

PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004

Annual Plan for Fiscal Year 2000

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN ACCORDANCE WITH
INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES**

**PHA Plan
Agency Identification**

PHA Name: The Housing Authority of the City and County of Denver

PHA Number: CO001

PHA Fiscal Year Beginning: (mm/yyyy) 01/2000

Public Access to Information

**Information regarding any activities outlined in this plan can be obtained by contacting:
(select all that apply)**

- ☒ Main administrative office of the PHA
- ☐ PHA development management offices
- ☐ PHA local offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plans (including attachments) are available for public inspection at: (select all that apply)

- ☒ Main administrative office of the PHA
- ☐ PHA development management offices
- ☐ PHA local offices
- ☐ Main administrative office of the local government
- ☐ Main administrative office of the County government
- ☐ Main administrative office of the State government
- ☒ Public library
- ☐ PHA website
- ☐ Other (list below)

PHA Plan Supporting Documents are available for inspection at: (select all that apply)

- ☒ Main business office of the PHA
- ☐ PHA development management offices
- ☐ Other (list below)

5-YEAR PLAN
PHA FISCAL YEARS 2000 - 2004

[24 CFR Part 903.5]

A. Mission

State the PHA's mission for serving the needs of low-income, very low income, and extremely low-income families in the PHA's jurisdiction. (select one of the choices below)

- ☐ The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.
- ☒ The PHA's mission is: (state mission here)

DHA's mission is to offer low and very low-income people adequate and affordable housing in stable communities and to provide economic paths to non-subsidized housing and/or affordable homeownership to its residents, in a non-discriminatory manner. DHA will also provide economic opportunity and a suitable living environment free from discrimination. We promote self-sufficiency and asset development of families and individuals in a manner that affirmatively furthers fair housing within our various programs. DHA also endeavors to offer desirable housing opportunities to all Denver residents from a broad economic spectrum. Finally, in all its activities, DHA strives to facilitate and promote economic development that will benefit both its residents and the larger community.

B. Goals

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

- ☐ PHA Goal: Expand the supply of assisted housing
Objectives:
- ☐ Apply for additional rental vouchers:
 - ☐ Reduce public housing vacancies:

- ☐ Leverage private or other public funds to create additional housing opportunities:
- ☐ Acquire or build units or developments
- ☐ Other (list below)

- ☐ PHA Goal: Improve the quality of assisted housing
Objectives:
 - ☐ Improve public housing management: (PHAS score)
 - ☐ Improve voucher management: (SEMAP score)
 - ☐ Increase customer satisfaction:
 - ☐ Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections)
 - ☐ Renovate or modernize public housing units:
 - ☐ Demolish or dispose of obsolete public housing:
 - ☐ Provide replacement public housing:
 - ☐ Provide replacement vouchers:
 - ☐ Other: (list below)

- ☐ PHA Goal: Increase assisted housing choices
Objectives:
 - ☐ Provide voucher mobility counseling:
 - ☐ Conduct outreach efforts to potential voucher landlords
 - ☐ Increase voucher payment standards
 - ☐ Implement voucher homeownership program:
 - ☐ Implement public housing or other homeownership programs:
 - ☐ Implement public housing site-based waiting lists:
 - ☐ Convert public housing to vouchers:
 - ☐ Other: (list below)

HUD Strategic Goal: Improve community quality of life and economic vitality

- ☐ PHA Goal: Provide an improved living environment
Objectives:
 - ☐ Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
 - ☐ Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
 - ☐ Implement public housing security improvements:

- ☐ Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- ☐ Other: (list below)

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

- ☐ PHA Goal: Promote self-sufficiency and asset development of assisted households
Objectives:
 - ☐ Increase the number and percentage of employed persons in assisted families:
 - ☐ Provide or attract supportive services to improve assistance recipients' employability:
 - ☐ Provide or attract supportive services to increase independence for the elderly or families with disabilities.
 - ☐ Other: (list below)

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

- ☐ PHA Goal: Ensure equal opportunity and affirmatively further fair housing
Objectives:
 - ☐ Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
 - ☐ Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
 - ☐ Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
 - ☐ Other: (list below)

Other PHA Goals and Objectives: (list below)

Goal One: Manage DHA's existing Public Housing program in an efficient and effective manner.

Objectives:

1. DHA shall strive to maintain a high performer status under HUD's evaluation system.

2. DHA shall make its public housing units more marketable to the community as evidenced by implementation of a marketing strategy directed at employers of the working poor (such as Wal-Mart, Taco Bell, K-Mart, etc.) by December 31, 2005.
3. DHA shall strengthen its leadership and management skills and operational processes to maintain accountability, productivity under HUD's assessment system.

Goal Two: Provide a safe and secure environment, to the best of our ability, in DHA's public housing developments.

Objectives:

1. DHA shall reduce crime in its developments by December 31, 2005.
2. DHA shall strengthen its relationship with the Office of Inspector General's Operation Safe Home (Operation Safe Home) to provide safer developments for DHA residents.
3. DHA shall reduce its evictions due to violations of criminal laws by December 31, 2005, through aggressive screening procedures.

Goal Three: Expand the range and quality of housing choices available to participants in DHA's public housing and homeownership program, without depleting existing DHA assets.

Objectives:

1. DHA shall promote, coordinate and encourage the opportunity for long-term self-sufficiency of families by providing and/or brokering education, training, employment and other related services.
2. DHA shall increase its affordable housing stock by 5%.
3. DHA shall increase the number of residents in its homeownership program by December 31, 2005.

Annual PHA Plan PHA Fiscal Year 2000

[24 CFR Part 903.7]

i. Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

☐ **Standard Plan**

Streamlined Plan:

- ☒ **High Performing PHA**
☐ **Small Agency (<250 Public Housing Units)**
☐ **Administering Section 8 Only**

☐ **Troubled Agency Plan**

ii. Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.

The Housing Authority of the City and County of Denver (DHA) has prepared this Comprehensive Agency Plan (Agency Plan) in compliance with Section 511 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) and the following most current HUD regulations: 1) Public Housing Agency Plans; Final Rule, Federal Register/Vol. 64, No. 203 (October 21, 1999); 2) Changes to Admissions and Occupancy Requirements; Proposed Rule, Federal Register/Vol. 64, No. 83 (April 30, 1999); 3) Quality Housing and Work Responsibility Act of 1998; Initial Guidance, Federal Register/Vol. 64, No. 32 (February 18, 1999); and, 4) Public Housing Agency Organization; Required Resident Membership on Board of Directors or Similar Governing Body; Proposed Rule; Federal Register/Vol. 64, No. 120 (June 23, 1999). Please note that the Agency Plan is comprised of the Five-Year Plan and our Annual Plan for FY 2000.

The Five-Year Plan incorporates DHA's mission statement regarding HUD programs, which we have adopted to guide the activities of DHA in the new millennium. Our mission statement is consistent with HUD's mission, goals and objectives and will be implemented in a non-discriminatory fashion.

The Agency Plan is based on the premise that if we accomplish our goals and objectives we will achieve DHA's and HUD's mission, while

simultaneously addressing the housing needs of Denver's residents. The plans, statements, budget summary, policies, etc. set forth in the Annual Plan are the foundation upon which we will build to accomplish our stated goals and objectives. Taken as a whole, the aforementioned documents outline a comprehensive approach towards meeting our mission and are consistent with the City and County of Denver's Consolidated Plan, January 1998 – December 2002 (Consolidated Plan).

Although this list is not all inclusive, our Annual Plan addresses the following salient policies:

- We have adopted the following three (3) local preferences for the Public Housing program: 1) working families (for families whose income is based on actual employment); 2) employment incentive (for applicants employed at least 20 hours per week for six months or more); and, 3) education or employment training (for applicants enrolled in an education or employment and training program).
- We have adopted the following five (5) local preferences for the Section 8 Program: 1) the chronically mentally ill (as defined in *Arevalo, et al. v. City and County of Denver*); 2) Division of Family Employment Resources (for family self-sufficiency); 3) Colorado Coalition for the Homeless (for the homeless); 4) Atlantis Program (for the disabled); and, 5) Colorado Health Network (for individuals with AIDS).
- We have adopted an aggressive screening policy for the Public Housing program to ensure, to the best of our ability, that new admissions will be good neighbors. In our Section 8 program we are screening applicants to the fullest extent allowable, while not taking away the ultimate responsibility from the landlord. Our screening practices will meet all fair housing requirements.
- We have developed a deconcentration of poverty policy that will affirmatively further fair housing.
- Public Housing applicants will be selected from the waiting list by preference, then in order of the date and time they applied. Section 8 applicants will be randomly selected from the lottery pool by lottery number.
- We have established a minimum rent of \$0 for residents in Public Housing and \$50 for Section 8 participants.

- We have established flat rents for all of our developments and dispersed units.
- In an attempt to encourage work, self-sufficiency and advancement in the workplace for Section 8 participants, we will require that they report any increases in their income at the time the increase is received. However, if their Tenant Payment is above \$50 then the increased rent will be effective on the next regular reexamination.

In summary, we are furthering HUD's mission to improve the condition of affordable housing in the City and County of Denver (hereinafter referred to as "the City" or "Denver").

iii. Annual Plan Table of Contents

[24 CFR Part 903.7 9 (r)]

Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection.

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Attachments

Indicate which attachments are provided by selecting all that apply. Provide the attachment's name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a **SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

Required Attachments:

- ☒ Admissions Policy for Deconcentration
- ☒ FY 2000 Capital Fund Program Annual Statement
- ☐ Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

Optional Attachments:

- ☐ PHA Management Organizational Chart
- ☒ FY 2000 Capital Fund Program 5 Year Action Plan
- ☐ Public Housing Drug Elimination Program (PHDEP) Plan
- ☐ Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- ☒ Other (List below, providing each attachment name)
Admissions and Occupancy Terms and Policies of the Housing Authority of the City and County of Denver and The Housing Authority of the City and County of Denver Administrative Plan

Supporting Documents Available for Review

Indicate which documents are available for public review by placing a mark in the "Applicable & On Display" column in the appropriate rows. All listed documents must be on display if applicable to the program activities conducted by the PHA.

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	5 Year and Annual Plans

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the methodology for setting public housing flat rents <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Section 8 rent determination (payment standard) policies <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
X	Section 8 informal review and hearing procedures <input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
X	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
X	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
X	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
X	The most recent Public Housing Drug Elimination Program (PHDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

A. Housing Needs of Families in the Jurisdiction/s Served by the PHA

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

DHA does not maintain income information based on percentages of AMI. Consequently, we have provided data in the manner in which we currently maintain it. See pages 7 – 8.

With respect to the information requested by HUD regarding affordability, supply, quality, accessibility, size of units and location of housing for the above referenced groups, DHA does not collect this data during its admissions process. Additionally, the Consolidated Plan only addresses a small portion of this information and does not address the housing needs of various racial and ethnic households.

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford- ability	Supply	Quality	Access- ibility	Size	Loca- tion
Income <= 30% of AMI							
Income >30% but <=50% of AMI							
Income >50% but <80% of AMI							
Elderly							
Families with Disabilities							
Race/Ethnicity							
Race/Ethnicity							
Race/Ethnicity							
Race/Ethnicity							

JURISDICTIONAL NEEDS ASSESSMENT TABLE

Needs of Specific Families in Denver			
	EXTREMELY LOW INCOME	ELDERLY, DISABLED	RACIAL/ ETHNIC GROUP
Affordability Issues	As the housing market has picked up, there are fewer affordable units.	Demand for assisted living and affordable handicap accessible units.	N/A
Supply of Housing	Needs to be increased over the next five years.	Insufficient.	N/A
Quality of Housing	Data not available.	DHA and non-profits provide quality housing.	N/A
Accessibility	Inadequate supply in Denver.	See above.	N/A
Size - 3 Bedroom or Larger	Short supply of affordable units with 3 or more bedrooms.	N/A	N/A
Location of Housing	Most affordable units are scattered throughout Denver.	N/A	N/A

PUBLIC HOUSING WAITING LIST NEEDS ASSESSMENT TABLE

Needs of Specific Families on the Public Housing Waiting List			
	EXTREMELY LOW INCOME	ELDERLY, DISABLED	RACIAL/ETHNIC GROUP
Affordability Issues	We expect a continued demand.	DHA has a good supply of affordable units.	N/A
Supply of Housing	Needs to be increased.	Sufficient for the next 5 years.	N/A
Quality of Housing	DHA units are of good quality.	DHA has a good supply of quality housing.	N/A
Accessibility	See above.	See above.	N/A
Size - 3 Bedroom or Larger	Short supply among DHA's housing stock	Not applicable.	N/A
Location of Housing	Most affordable units scattered throughout Denver.	Located throughout Denver.	N/A

SECTION 8 LOTTERY POOL NEEDS ASSESSMENT TABLE

Needs of Specific Families on the Section 8 Lottery			
	EXTREMELY LOW INCOME	ELDERLY, DISABLED	RACIAL/ETHNIC GROUP
Affordability Issues	Denver's tight housing market decreases available units.	Inadequate supply of affordable units.	N/A
Supply of Housing	Needs to be increased over next 5 years.	Insufficient supply in Denver.	N/A
Quality of Housing	Average quality.	Good quality.	N/A

Accessibility	Short supply of accessible units in Denver.	See above.	N/A
Size – 3 Bedroom or Larger	Very short supply in Denver.	Not applicable.	N/A
Location of Housing	Most affordable units are scattered throughout Denver.	Located throughout Denver.	N/A

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

- ☒ Consolidated Plan of the Jurisdiction/s
Indicate year: 1998 - 2000
- ☐ U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset
- ☐ American Housing Survey data
Indicate year:
- ☐ Other housing market study
Indicate year:
- ☐ Other sources: (list and indicate year of information)

B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

State the housing needs of the families on the PHA’s waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

After review of the Consolidated Plan, the regulations require that DHA gather and analyze data from our public housing waiting list and Section 8 lottery pool to determine the number of families whose income is below 30% of AMI; between 30 – 49.9% of AMI; elderly families and families with disabilities; as well as the number of households of various races and ethnic groups residing in Denver on the waiting list. However, DHA does not collect or maintain income information of applicants based on percentages of AMI. Consequently we have provided income ranges, which is the manner in which we maintain income information for Public Housing and Section 8 applicants. DHA will change its data collection method and provide percentage breakdowns in the FY 2001 submission.

DHA's Public Housing waiting list shows the greatest need for housing among families with an income below \$10,000 a year (i.e. below 30% of AMI). The same is true for the Section 8 lottery pool. Our analysis also demonstrates that there is an extremely high demand for housing for families with disabilities. This is consistent with the findings of the Consolidated Plan. The racial and ethnic breakdown shows the highest demand for housing among non-Hispanics, Hispanics, African Americans and Spanish Americans. The Consolidated Plan does not address the housing needs of racial and ethnic groups; consequently, there can be no determination of consistency.

We have provided our analysis of the Public Housing Waiting List and the Section 8 Tenant-Based Lottery using data currently available. See pages 12 and 15.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one) <input type="checkbox"/> Section 8 tenant-based assistance <input checked="" type="checkbox"/> Public Housing <input type="checkbox"/> Combined Section 8 and Public Housing <input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total			
Extremely low income <=30% AMI			
Very low income (>30% but <=50% AMI)			
Low income (>50% but <80% AMI)			
Families with children			
Elderly families			
Families with Disabilities			
Race/ethnicity			
Race/ethnicity			

Housing Needs of Families on the Waiting List			
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
<p>Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p> <p>If yes:</p> <p>How long has it been closed (# of months)? It opens and closes several times a year.¹</p> <p>Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p> <p>Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>			

¹ DHA opens and closes its waiting lists several times during the year. This method allows DHA to administer the waiting list in a more fair and humane manner. Opening the waiting list for a short period of time shortens the length of time that an individual or family must wait for housing. We believe that long waiting lists create false hope among applicants. This system also eliminates the administrative burden of lengthy and unmanageable waiting lists that contain several thousand names and must constantly be purged because the information becomes dated.

ANALYSIS OF THE PUBLIC HOUSING WAITING LIST²			
Total Number of Families on the Waiting List³			2,117
Bedroom Breakdown⁴:			
Efficiency and One Bedroom Applicants			1,107
Two Bedroom Applicants			533
Three Bedroom Applicants			376
Four Bedroom Applicants			76
Five and above Bedroom Applicants			25
Income Distribution of Applicants⁵:			
Applicants over \$27,000			4
Applicants between \$17,000 and \$27,000			82
Applicants between \$10,000 and \$17,000			206
Applicants \$0 and \$10,000			1,825
Number of Applicant Families Headed by an Elderly Person			299
Number of Applicant Families with a Person with a Disability			833
Racial Breakdown⁶:			
White			262
Black			494
American Indian/Native Alaskan			12
Asian or Pacific Islander			49
Spanish American			514
Ethnic Breakdown⁷:			
Hispanic			523
Non-Hispanic			808
Average Length of Time to Receive Housing			64 days
If waiting list is closed, date it closed⁸			intentionally left blank

² Based on 1998 data.

³ Data based on interest cards for the Public Housing Program.

⁴ See 3 above.

⁵ DHA does not maintain income information based on percentages of AMI. Consequently, we have provided data in the manner in which we currently maintain it. DHA will change its data collection method and provide percentage breakdowns in the FY 2001 submission.

⁶ Data is based on applicants who completed the admission process. DHA does not collect racial or ethnic information on the interest cards. DHA will change its data collection method and provide this information in the FY 2001 submission.

⁷ See 6 above.

⁸ DHA opens and closes its waiting lists several times during the year. This method allows DHA to administer the waiting list in a more fair and humane manner. Opening the waiting list for a short period of time shortens the length of time that an individual or family must wait for housing. We believe that long waiting lists create false hope among applicants. This system also eliminates the administrative burden of lengthy and unmanageable waiting lists that contain several thousand names and must constantly be purged because the information becomes dated.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance <input type="checkbox"/> Public Housing <input type="checkbox"/> Combined Section 8 and Public Housing <input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total			
Extremely low income <=30% AMI			
Very low income (>30% but <=50% AMI)			
Low income (>50% but <80% AMI)			
Families with children			
Elderly families			
Families with Disabilities			
Race/ethnicity			
Race/ethnicity			
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			

Housing Needs of Families on the Waiting List
<p>Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p> <p>If yes:</p> <p>How long has it been closed (# of months)? Opens once a year.</p> <p>Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p> <p>Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>

ANALYSIS OF THE SECTION 8 LOTTERY POOL⁹

Total Number of Families in the Current Section 8 Lottery Pool¹⁰	2,958
Bedroom Breakdown¹¹:	
Efficiency and One Bedroom Applicants	846
Two Bedroom Applicants	1,069
Three Bedroom Applicants	835
Four Bedroom Applicants	177
Five and above Bedroom Applicants	31
Income Distribution of Applicants¹²:	
Applicants over \$27,000	10
Applicants between \$17,000 and \$27,000	171
Applicants between \$10,000 and \$17,000	409
Applicants \$0 and \$10,000	2,368
Number of Applicant Families Headed by an Elderly Person	176
Number of Applicant Families with a Person with a Disability	633
Racial Breakdown¹³:	
White	183
Black	310
American Indian/Native Alaskan	6
Asian or Pacific Islander	22
Spanish American	190
Ethnic Breakdown¹⁴:	
Hispanic	513
Non-Hispanic	198
Average Length of Time to Receive Housing¹⁵	76 days
If waiting list is closed, date it closed	
Section 8 uses lottery system which is opened once each year	intentionally left blank

⁹ Based on 1998 data.

¹⁰ Data is based on lottery interest cards for Section 8 Lottery Pool.

¹¹ See 10 above.

¹² DHA does not maintain income information based on percentages of AMI. Consequently, we have provided data in the manner in which we obtain it. DHA will change its data collection method and provide percentage breakdowns in the FY 2001 submission.

¹³ Data is based on applicants who went through entire admission process. DHA does not collect racial or ethnic information on the interest cards. DHA will change its data collection method and provide this information in the FY 2001 submission.

¹⁴ See 13 above.

¹⁵ Data is based on the time period beginning when the lottery participant receives an application at first interview date to lease up.

C. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:

Select all that apply

- ☐ Employ effective maintenance and management policies to minimize the number of public housing units off-line
- ☐ Reduce turnover time for vacated public housing units
- ☐ Reduce time to renovate public housing units
- ☒ Seek replacement of public housing units lost to the inventory through mixed finance development
- ☐ Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- ☒ Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- ☐ Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- ☒ Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- ☒ Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- ☐ Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- ☐ Other (list below)

Strategy 2: Increase the number of affordable housing units by:

Select all that apply

- ☒ Apply for additional section 8 units should they become available
- ☐ Leverage affordable housing resources in the community through the creation of mixed - finance housing
- ☐ Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- ☐ Other: (list below)

Need: Specific Family Types: Families at or below 30% of median

Strategy 1: Target available assistance to families at or below 30 % of AMI

Select all that apply

- ☐ Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- ☐ Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- ☐ Employ admissions preferences aimed at families with economic hardships
- ☒ Adopt rent policies to support and encourage work
- ☐ Other: (list below)

Need: Specific Family Types: Families at or below 50% of median

Strategy 1: Target available assistance to families at or below 50% of AMI

Select all that apply

- ☒ Employ admissions preferences aimed at families who are working
- ☒ Adopt rent policies to support and encourage work
- ☐ Other: (list below)

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

- ☐ Seek designation of public housing for the elderly
- ☒ Apply for special-purpose vouchers targeted to the elderly, should they become available
- ☐ Other: (list below)

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

- ☐ Seek designation of public housing for families with disabilities
- ☐ Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- ☒ Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- ☒ Affirmatively market to local non-profit agencies that assist families with disabilities
- ☐ Other: (list below)

Need: Specific Family Types: Races or ethnicities with disproportionate housing needs

Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:

Select if applicable

- ☐ Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- ☐ Other: (list below)

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

- ☒ Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- ☒ Market the section 8 program to owners outside of areas of poverty /minority concentrations
- ☐ Other: (list below)

Other Housing Needs & Strategies: (list needs and strategies below)

(2) Reasons for Selecting Strategies

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- ☒ Funding constraints
- ☒ Staffing constraints
- ☐ Limited availability of sites for assisted housing
- ☐ Extent to which particular housing needs are met by other organizations in the community
- ☒ Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA

- ☒ Influence of the housing market on PHA programs
- ☒ Community priorities regarding housing assistance
- ☒ Results of consultation with local or state government
- ☒ Results of consultation with residents and the Resident Advisory Board
- ☒ Results of consultation with advocacy groups
- ☐ Other: (list below)

2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2000 grants)		
a) Public Housing Operating Fund	\$8,478,000 ¹⁶	
b) Public Housing Capital Fund	\$7,581,000 ¹⁷	
c) HOPE VI Revitalization	\$22,500,000 ¹⁸	
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$25,190,000 ⁹	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	\$1,063,000 ¹⁹	
g) Resident Opportunity and Self-Sufficiency Grants	\$0	
h) Community Development Block Grant	\$0	N/A
i) HOME	\$0	N/A

¹⁶ Based on FY 1999 Funding

¹⁷ Based on FY 1999 Grant

¹⁸ Anticipate applying for Bean Tower/Arrowhead (250 units at \$90,000 based on FY 1998 award per unit)

¹⁹ Based on FY 1998 Funding

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
Other Federal Grants (list below)	\$0	N/A
2. Prior Year Federal Grants (unobligated funds only) (list below)	All prior year grants are committed.	
3. Public Housing Dwelling Rental Income	\$8,500,000	Public Housing operations, safety/security, and supportive services
4. Other income (list below)		
Interest Income	\$377,000	Public Housing - operations, safety/security, supportive services; and Section 8 tenant-based assistance and supportive services or other.
Other	\$162,000	Public Housing - operations, safety/security, supportive services; and Section 8 tenant-based assistance and supportive services or other.
4. Non-federal sources (list below)	\$0	
Total resources	\$73,851,000	

*Subject to Congressional funding at 1999 levels.

*This information is based on FY 2000 DHA anticipates receiving and/or applying for.

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 3A.

(1) Eligibility

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

- ☐ When families are within a certain number of being offered a unit: (state number)
- ☐ When families are within a certain time of being offered a unit: (state time)
- ☒ Other: (describe) **Determined at application.**

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing (select all that apply)?

- ☒ Criminal or Drug-related activity
- ☒ Rental history
- ☒ Housekeeping
- ☐ Other (describe)

c. ☐ Yes ☒ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

d. ☒ Yes ☐ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

e. ☐ Yes ☒ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

(2)Waiting List Organization

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

- ☒ Community-wide list
- ☐ Sub-jurisdictional lists
- ☐ Site-based waiting lists
- ☐ Other (describe)

b. Where may interested persons apply for admission to public housing?

- ☐ PHA main administrative office
- ☐ PHA development site management office

☒ Other (list below) **The Occupancy Office processes all housing applications, it is located at 2650 Welton St.**

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection (3) **Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?

DHA proposes that a site-based waiting list be utilized at Curtis Park Homes, a HOPE VI mixed-income site, after new construction has been completed. This site based waiting list will allow applicants to move to the development of their choice and will attract a more diverse population with a broader range of incomes to the new HOPE VI community. Consequently, more working families may apply to and move into this HOPE VI mixed-income community. Adoption of a site-based waiting list would not violate any court order, settlement agreement or be inconsistent with a pending HUD complaint. DHA will comply with all the requirements set forth in the Public Housing Agency Plans; Final Rule, Federal Register/Vol. 64 No. 203, p. 56863.

Specifically, the newly constructed Curtis Park Homes will be owned by a private entity ("Owner") who will implement the site-based waiting list.

2. ☒ Yes ☐ No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?

If yes, how many lists? **One.**

3. ☒ Yes ☐ No: May families be on more than one list simultaneously

If yes, how many lists? **Community-wide list and site-based list.**

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?

☐

PHA main administrative office

☐

All PHA development management offices

☐

Management offices at developments with site-based waiting lists

☐

At the development to which they would like to apply

☒

Other (list below)

Private Manager Curtis Park. DHA's Occupancy Department 2650 Welton Street.

(3) Assignment

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list? (select one)

- ☐ One
☒ Two
☐ Three or More

b. ☒ Yes ☐ No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

(4) Admissions Preferences

a. Income targeting:

☐ Yes ☒ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

- ☐ Emergencies
☒ Overhoused
☒ Underhoused
☒ Medical justification
☒ Administrative reasons determined by the PHA (e.g., to permit modernization work)
☐ Resident choice: (state circumstances below)
☒ Other: (list below)

Life-threatening situation.

Employment, education, or training is dependent upon the need to be closer to the appropriate location.

c. Preferences

1. ☒ Yes ☐ No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If “no” is selected, skip to subsection **(5) Occupancy**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

- ☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- ☐ Victims of domestic violence
- ☐ Substandard housing
- ☐ Homelessness
- ☐ High rent burden (rent is > 50 percent of income)

Other preferences: (select below)

- ☒ Working families and those unable to work because of age or disability
- ☐ Veterans and veterans’ families
- ☐ Residents who live and/or work in the jurisdiction
- ☒ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☒ Households that contribute to meeting income requirements (targeting)
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☐ Other preference(s) (list below)

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

Date and Time

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

- ☐ Working families and those unable to work because of age or disability
- ☐ Veterans and veterans' families
- ☐ Residents who live and/or work in the jurisdiction
- ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☐ Households that contribute to meeting income requirements (targeting)
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☐ Other preference(s) (list below)

4. Relationship of preferences to income targeting requirements:

- ☒ The PHA applies preferences within income tiers
- ☐ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Occupancy

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

- ☒ The PHA-resident lease
- ☒ The PHA's Admissions and (Continued) Occupancy policy
- ☒ PHA briefing seminars or written materials
- ☐ Other source (list)

b. How often must residents notify the PHA of changes in family composition? (select all that apply)

- ☐ At an annual reexamination and lease renewal
- ☒ Any time family composition changes
- ☐ At family request for revision
- ☐ Other (list)

(6) Deconcentration and Income Mixing

a. ☐ Yes ☒ No: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b. ☒ Yes ☐ No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted? (select all that apply)

☐ Adoption of site-based waiting lists

If selected, list targeted developments below:

☐ Employing waiting list "skipping" to achieve deconcentration of poverty or income mixing goals at targeted developments

If selected, list targeted developments below:

☐ Employing new admission preferences at targeted developments

If selected, list targeted developments below:

☒ Other (list policies and developments targeted below)

1) *Working Families*

Eligible applicants will be selected within income ranges established in accordance with federal regulation (24 C.F.R. Part 5). No more than 40 percent of annual admissions will be based on this local preference. A local preference shall be given to the following families in descending order of priority:

a) Income Tier II families, earning between 50% and 80% of the area median income as defined by HUD.

b) Income Tier I families, earning from a level established by DHA up to 50% of the median income as defined by HUD.

The Income Tiers are defined by income range and family size, as shown on Addendum 1. Applicants will be selected sequentially from a local preference list. Within each preference list, those with a 1 priority will be selected before those with a 2 priority, and so on. If eligible applicants are in the same Income Tier, applicants will be selected chronologically, based upon the date and time of application.

2) *Employment Incentive*

A preference for families whose Head of Household or spouse is working a minimum of 20 hours a week or more and has been working for at least one year at the time of the application.

3) Education or Employment Training

A preference for families whose Head of Household or spouse has been enrolled in an education or employment and training program for at least six months at the time of the application.

4) Selection preference for mixed population projects

DHA will give equal preference to elderly families and disabled families in determining priority for mixed-population projects.

d. ☐ Yes ☒ No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

- ☐ Additional affirmative marketing
- ☐ Actions to improve the marketability of certain developments
- ☐ Adoption or adjustment of ceiling rents for certain developments
- ☐ Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- ☐ Other (list below)

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families? (select all that apply)

- ☒ Not applicable: results of analysis did not indicate a need for such efforts
- ☐ List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)

- ☒ Not applicable: results of analysis did not indicate a need for such efforts
- ☐ List (any applicable) developments below:

B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B. Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).

(1) Eligibility

- a. What is the extent of screening conducted by the PHA? (select all that apply)
- ☐ Criminal or drug-related activity only to the extent required by law or regulation
- ☒ Criminal and drug-related activity, more extensively than required by law or regulation
- ☐ More general screening than criminal and drug-related activity (list factors below)
- ☐ Other (list below)
- b. ☐ Yes ☒ No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?
- c. ☒ Yes ☐ No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
- d. ☐ Yes ☒ No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)
- e. Indicate what kinds of information you share with prospective landlords? (select all that apply)
- ☒ Criminal or drug-related activity
- ☒ Other (describe below)
Damage claim information, eviction information and any other information deemed appropriate.

(2) Waiting List Organization

- a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)
- ☒ None
- ☐ Federal public housing
- ☐ Federal moderate rehabilitation
- ☐ Federal project-based certificate program
- ☐ Other federal or local program (list below)

- b. Where may interested persons apply for admission to section 8 tenant-based assistance?
(select all that apply)

- ☐ PHA main administrative office
☒ Other (list below)
Occupancy Office and selected field offices

(3) Search Time

- a. ☒ Yes ☐ No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below: **Denver has an extremely tight rental market. Extensions are always granted.**

(4) Admissions Preferences

- a. Income targeting

- ☐ Yes ☒ No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

- b. Preferences

1. ☒ Yes ☐ No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

- ☐ Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
☐ Victims of domestic violence
☐ Substandard housing
☐ Homelessness
☐ High rent burden (rent is > 50 percent of income)

Other preferences (select all that apply)

- ☐ Working families and those unable to work because of age or disability
- ☐ Veterans and veterans' families
- ☐ Residents who live and/or work in your jurisdiction
- ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☐ Households that contribute to meeting income requirements (targeting)
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☒ Other preference(s) (list below)

Local Selection Preferences for Section 8 Program

- (a) Chronically mentally ill as defined in *Arevalo, et al. v. City and County of Denver*.
- (b) Division of Family Employment Resources
- (c) Colorado Coalition for the Homeless
- (d) Atlantis Program
- (e) Colorado Health Network

Section 8 local selection preferences shall have the order of priority listed above. Irrespective of these local selection preferences, tenants entitled to the benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201-4655) ("Relocation Act") shall have priority over any applicant for placement in the Section 8 program.

3. If the PHA will employ admissions preferences, please prioritize by placing a "1" in the space that represents your first priority, a "2" in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use "1" more than once, "2" more than once, etc.

Date and Time

Former Federal preferences

Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
Victims of domestic violence
Substandard housing
Homelessness
High rent burden

Other preferences (select all that apply)

- ☐ Working families and those unable to work because of age or disability
- ☐ Veterans and veterans' families
- ☐ Residents who live and/or work in your jurisdiction
- ☐ Those enrolled currently in educational, training, or upward mobility programs
- ☐ Households that contribute to meeting income goals (broad range of incomes)
- ☐ Households that contribute to meeting income requirements (targeting)
- ☐ Those previously enrolled in educational, training, or upward mobility programs
- ☐ Victims of reprisals or hate crimes
- ☐ Other preference(s) (list below)

4. Among applicants on the waiting list with equal preference status, how are applicants selected? (select one)

- ☐ Date and time of application
- ☐ Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)

- ☐ This preference has previously been reviewed and approved by HUD
- ☐ The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements: (select one)

- ☐ The PHA applies preferences within income tiers
- ☐ Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

(5) Special Purpose Section 8 Assistance Programs

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained? (select all that apply)

- ☐ The Section 8 Administrative Plan
- ☐ Briefing sessions and written materials
- ☐ Other (list below)

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

- ☐ Through published notices
☐ Other (list below)

4. PHA Rent Determination Policies

[24 CFR Part 903.7 9 (d)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

(1) Income Based Rent Policies

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

- ☐ The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

- ☐ The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

- ☒ \$0
☐ \$1-\$25
☐ \$26-\$50

2. ☐ Yes ☒ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

c. Rents set at less than 30% than adjusted income

1. ☐ Yes ☒ No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?
2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:
- d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ (select all that apply)
- ☐ For the earned income of a previously unemployed household member
- ☐ For increases in earned income
- ☐ Fixed amount (other than general rent-setting policy)
If yes, state amount/s and circumstances below:
- ☐ Fixed percentage (other than general rent-setting policy)
If yes, state percentage/s and circumstances below:
- ☐ For household heads
- ☐ For other family members
- ☐ For transportation expenses
- ☐ For the non-reimbursed medical expenses of non-disabled or non-elderly families
- ☐ Other (describe below)
- e. Ceiling rents
1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income) (select one)
- ☐ Yes for all developments
- ☐ Yes but only for some developments
- ☒ No
2. For which kinds of developments are ceiling rents in place? (select all that apply)
- ☐ For all developments
- ☐ For all general occupancy developments (not elderly or disabled or elderly only)
- ☐ For specified general occupancy developments
- ☐ For certain parts of developments; e.g., the high-rise portion
- ☐ For certain size units; e.g., larger bedroom sizes
- ☐ Other (list below)

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

- ☐ Market comparability study
- ☐ Fair market rents (FMR)
- ☐ 95th percentile rents
- ☐ 75 percent of operating costs
- ☐ 100 percent of operating costs for general occupancy (family) developments
- ☐ Operating costs plus debt service
- ☐ The "rental value" of the unit
- ☐ Other (list below)

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent? (select all that apply)

- ☐ Never
- ☐ At family option
- ☒ Any time the family experiences an income increase
- ☐ Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)_____
- ☐ Other (list below)

g. ☐ Yes ☒ No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

(2) Flat Rents

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)

- ☒ The section 8 rent reasonableness study of comparable housing
- ☐ Survey of rents listed in local newspaper
- ☐ Survey of similar unassisted units in the neighborhood
- ☐ Other (list/describe below)

B. Section 8 Tenant-Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

(1) Payment Standards

Describe the voucher payment standards and policies .

a. What is the PHA's payment standard? (select the category that best describes your standard)

- ☐ At or above 90% but below 100% of FMR
- ☐ 100% of FMR
- ☒ Above 100% but at or below 110% of FMR
- ☐ Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

- ☐ FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
- ☐ The PHA has chosen to serve additional families by lowering the payment standard
- ☐ Reflects market or submarket
- ☐ Other (list below)

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

- ☒ FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- ☒ Reflects market or submarket
- ☒ To increase housing options for families
- ☐ Other (list below)

d. How often are payment standards reevaluated for adequacy? (select one)

- ☒ Annually
- ☐ Other (list below)

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

- ☒ Success rates of assisted families

- ☒ Rent burdens of assisted families
☐ Other (list below)

(2) Minimum Rent

a. What amount best reflects the PHA's minimum rent? (select one)

- ☐ \$0
☐ \$1-\$25
☒ \$26-\$50

b. ☐ Yes ☒ No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

A. PHA Management Structure

Describe the PHA's management structure and organization.

(select one)

- ☐ An organization chart showing the PHA's management structure and organization is attached.
☐ A brief description of the management structure and organization of the PHA follows:

B. HUD Programs Under PHA Management

List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use "NA" to indicate that the PHA does not operate any of the programs listed below.)

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing		
Section 8 Vouchers		
Section 8 Certificates		
Section 8 Mod Rehab		

Special Purpose Section 8 Certificates/Vouchers (list individually)		
Public Housing Drug Elimination Program (PHDEP)		
Other Federal Programs(list individually)		

C. Management and Maintenance Policies

List the PHA's public housing management and maintenance policy documents, manuals and handbooks that contain the Agency's rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

(1) Public Housing Maintenance and Management: (list below)

(2) Section 8 Management: (list below)

6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

Exemptions from component 6: High performing PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

A. Public Housing

1. ☐ Yes ☐ No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

- ☐ PHA main administrative office
☐ PHA development management offices

☐ Other (list below)

B. Section 8 Tenant-Based Assistance

1. ☒ Yes ☐ No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)
- ☐ PHA main administrative office
- ☒ Other (list below)

Section 8 office.

7. Capital Improvement Needs

[24 CFR Part 903.7 9 (g)]

Exemptions from Component 7: Section 8 only PHAs are not required to complete this component and may skip to Component 8.

A. Capital Fund Activities

Exemptions from sub-component 7A: PHAs that will not participate in the Capital Fund Program may skip to component 7B. All other PHAs must complete 7A as instructed.

(1) Capital Fund Program Annual Statement

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year to ensure long-term physical and social viability of its public housing developments. This statement can be completed by using the CFP Annual Statement tables provided in the table library at the end of the PHA Plan template **OR**, at the PHA's option, by completing and attaching a properly updated HUD-52837.

Select one:

- ☒ The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

- ☐ The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert here)

(2) Optional 5-Year Action Plan

Agencies are encouraged to include a 5-Year Action Plan covering capital work items. This statement can be completed by using the 5 Year Action Plan table provided in the table library at the end of the PHA Plan template **OR** by completing and attaching a properly updated HUD-52834.

a. ☒ Yes ☐ No: Is the PHA providing an optional 5-Year Action Plan for the Capital Fund? (if no, skip to sub-component 7B)

b. If yes to question a, select one:

☒ The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name) Attachment 3

-or-

☐ The Capital Fund Program 5-Year Action Plan is provided below: (if selected, copy the CFP optional 5 Year Action Plan from the Table Library and insert here)

B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)

Applicability of sub-component 7B: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

☒ Yes ☐ No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)
b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)

1. Development name: **Quigg Newton/Curtis Park**

2. Development (project) number: CO001007/CO001009

3. Status of grant: (select the statement that best describes the current status)

- ☒ Revitalization Plan under development
- ☐ Revitalization Plan submitted, pending approval
- ☐ Revitalization Plan approved
- ☒ Activities pursuant to an approved Revitalization Plan underway **Quigg Newton**

☒ Yes ☐ No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?

If yes, list development name/s below:

1. Thomas Bean Towers

2. Arrowhead

☒ Yes ☐ No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?

If yes, list developments or activities below:

Curtis Park Homes –HOPE VI

☐ Yes ☒ No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?

If yes, list developments or activities below:

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

Applicability of component 8: Section 8 only PHAs are not required to complete this section.

1. ☒ Yes ☐ No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

2. Activity Description

☐ Yes ☒ No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 9. If “No”, complete the Activity Description table below.)

Demolition/Disposition Activity Description
1a. Development name: Curtis Park Homes
1b. Development (project) number: CO001009
2. Activity type: Demolition <input checked="" type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 06/03/99

5. Number of units affected: 222
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 3/01/99 b. Projected end date of activity: 6/30/01

Demolition/Disposition Activity Description
1a. Development name: Stapleton Homes Site – vacant land at 51st & Broadway
1b. Development (project) number: CO001013
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 12/31/00
5. Number of units affected: 0
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 12/31/00 b. Projected end date of activity: 12/31/00

Demolition/Disposition Activity Description
1a. Development name: Vacant land at 710 W. 4th Avenue
1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 12/31/00

5. Number of units affected: 0
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 12/31/00 b. Projected end date of activity: 12/31/00

Demolition/Disposition Activity Description
1a. Development name: vacant land at 3062 West 37th Avenue
1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 12/31/00
5. Number of units affected: 0
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 12/31/00 b. Projected end date of activity: 12/31/00

Demolition/Disposition Activity Description
1a. Development name: vacant land at 46th and Pecos
1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 12/31/00

5. Number of units affected: 0
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 12/31/00 b. Projected end date of activity: 12/31/00

Demolition/Disposition Activity Description
1a. Development name: vacant strip of land at Thomas Bean Towers
1b. Development (project) number:
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission 12/31/00
5. Number of units affected: 0
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 12/31/00 b. Projected end date of activity: 12/31/00

9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities

[24 CFR Part 903.7 9 (i)]

Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

1. ☐ Yes ☒ No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with

disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to complete a streamlined submission; PHAs completing streamlined submissions may skip to component 10.)

2. Activity Description

☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below.

Designation of Public Housing Activity Description	
1a. Development name:	
1b. Development (project) number:	
2. Designation type:	
Occupancy by only the elderly <input type="checkbox"/>	
Occupancy by families with disabilities <input type="checkbox"/>	
Occupancy by only elderly families and families with disabilities <input type="checkbox"/>	
3. Application status (select one)	
Approved; included in the PHA's Designation Plan <input type="checkbox"/>	
Submitted, pending approval <input type="checkbox"/>	
Planned application <input type="checkbox"/>	
4. Date this designation approved, submitted, or planned for submission: (DD/MM/YY)	
5. If approved, will this designation constitute a (select one)	
<input type="checkbox"/> New Designation Plan	
<input type="checkbox"/> Revision of a previously-approved Designation Plan?	
6. Number of units affected:	
7. Coverage of action (select one)	
<input type="checkbox"/> Part of the development	
<input type="checkbox"/> Total development	

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

Exemptions from Component 10; Section 8 only PHAs are not required to complete this section.

A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 HUD Appropriations Act

1. ☐ Yes ☐ No: Have any of the PHA's developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If "No", skip to component 11; if "yes", complete one activity description for each identified development, unless eligible to complete a streamlined submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description

- ☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset

Management Table? If “yes”, skip to component 11. If “No”, complete the Activity Description table below.

Conversion of Public Housing Activity Description
1a. Development name: 1b. Development (project) number:
2. What is the status of the required assessment? <input type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)
3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)
4. Status of Conversion Plan (select the statement that best describes the current status) <input type="checkbox"/> Conversion Plan in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one) <input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved:) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved:) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)

B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937

C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

Exemptions from Component 11A: Section 8 only PHAs are not required to complete 11A.

1. ☐ Yes ☒ No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to component 11B; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description

- ☐ Yes ☐ No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 12. If “No”, complete the Activity Description table below.)

Public Housing Homeownership Activity Description (Complete one for each development affected)
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)

5. Number of units affected:
6. Coverage of action: (select one)
☐ Part of the development
☐ Total development

B. Section 8 Tenant Based Assistance

1. ☐ Yes ☒ No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If “No”, skip to component 12; if “yes”, describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

2. Program Description:

a. Size of Program

- ☐ Yes ☐ No: Will the PHA limit the number of families participating in the section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- ☐ 25 or fewer participants
☐ 26 - 50 participants
☐ 51 to 100 participants
☐ more than 100 participants

b. PHA-established eligibility criteria

- ☐ Yes ☐ No: Will the PHA’s program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?
If yes, list criteria below:

12. PHA Community Service and Self-sufficiency Programs

[24 CFR Part 903.7 9 (l)]

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

☐ Yes ☐ No: Has the PHA entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? DD/MM/YY

2. Other coordination efforts between the PHA and TANF agency (select all that apply)

- ☐ Client referrals
- ☐ Information sharing regarding mutual clients (for rent determinations and otherwise)
- ☐ Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
- ☐ Jointly administer programs
- ☐ Partner to administer a HUD Welfare-to-Work voucher program
- ☐ Joint administration of other demonstration program
- ☐ Other (describe)

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas?

(select all that apply)

- ☐ Public housing rent determination policies
- ☐ Public housing admissions policies
- ☐ Section 8 admissions policies
- ☐ Preference in admission to section 8 for certain public housing families
- ☐ Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- ☐ Preference/eligibility for public housing homeownership option participation
- ☐ Preference/eligibility for section 8 homeownership option participation
- ☐ Other policies (list below)

b. Economic and Social self-sufficiency programs

☐ Yes ☐ No: Does the PHA coordinate, promote or provide any programs to enhance the economic and social self-sufficiency of residents? (If “yes”, complete the following table; if “no” skip to sub-component 2, Family Self Sufficiency Programs. The position of the table may be altered to facilitate its use.)

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)

(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8		

- b. ☐ Yes ☐ No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size?
If no, list steps the PHA will take below:

C. Welfare Benefit Reductions

- The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by: (select all that apply)

- ☐ Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- ☐ Informing residents of new policy on admission and reexamination
- ☐ Actively notifying residents of new policy at times in addition to admission and reexamination.
- ☐ Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- ☐ Establishing a protocol for exchange of information with all appropriate TANF agencies
- ☐ Other: (list below)

D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937

13. PHA Safety and Crime Prevention Measures

[24 CFR Part 903.7 9 (m)]

Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to component 15. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub-component D.

A. Need for measures to ensure the safety of public housing residents

1. Describe the need for measures to ensure the safety of public housing residents (select all that apply)

- ☐ High incidence of violent and/or drug-related crime in some or all of the PHA's developments
- ☐ High incidence of violent and/or drug-related crime in the areas surrounding or adjacent to the PHA's developments
- ☐ Residents fearful for their safety and/or the safety of their children
- ☐ Observed lower-level crime, vandalism and/or graffiti
- ☐ People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug-related crime
- ☐ Other (describe below)

2. What information or data did the PHA used to determine the need for PHA actions to improve safety of residents (select all that apply).

- ☐ Safety and security survey of residents
- ☐ Analysis of crime statistics over time for crimes committed "in and around" public housing authority

- ☐ Analysis of cost trends over time for repair of vandalism and removal of graffiti
- ☐ Resident reports
- ☐ PHA employee reports
- ☐ Police reports
- ☐ Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- ☐ Other (describe below)

3. Which developments are most affected? (list below)

B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year

1. List the crime prevention activities the PHA has undertaken or plans to undertake: (select all that apply)

- ☐ Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities
- ☐ Crime Prevention Through Environmental Design
- ☐ Activities targeted to at-risk youth, adults, or seniors
- ☐ Volunteer Resident Patrol/Block Watchers Program
- ☐ Other (describe below)

2. Which developments are most affected? (list below)

C. Coordination between PHA and the police

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

- ☐ Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan
- ☐ Police provide crime data to housing authority staff for analysis and action
- ☐ Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- ☐ Police regularly testify in and otherwise support eviction cases
- ☐ Police regularly meet with the PHA management and residents
- ☐ Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services

☐ Other activities (list below)

2. Which developments are most affected? (list below)

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2000 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

- ☒ Yes ☐ No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- ☐ Yes ☒ No: Has the PHA included the PHDEP Plan for FY 2000 in this PHA Plan?
- ☐ Yes ☒ No: This PHDEP Plan is an Attachment. (Attachment Filename: ____)

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

15. Civil Rights Certifications

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

16. Fiscal Audit

[24 CFR Part 903.7 9 (p)]

1. ☒ Yes ☐ No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))?
(If no, skip to component 17.)
2. ☒ Yes ☐ No: Was the most recent fiscal audit submitted to HUD?
3. ☐ Yes ☒ No: Were there any findings as the result of that audit?
4. ☐ Yes ☐ No: If there were any findings, do any remain unresolved?
If yes, how many unresolved findings remain? ____
5. ☐ Yes ☐ No: Have responses to any unresolved findings been submitted to HUD?
If not, when are they due (state below)?

17. PHA Asset Management

[24 CFR Part 903.7 9 (q)]

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component.
High performing and small PHAs are not required to complete this component.

1. ☐ Yes ☐ No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment,

rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?

2. What types of asset management activities will the PHA undertake? (select all that apply)

- ☐ Not applicable
- ☐ Private management
- ☐ Development-based accounting
- ☐ Comprehensive stock assessment
- ☐ Other: (list below)

3. ☐ Yes ☐ No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

18. Other Information

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

1. ☒ Yes ☐ No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?

2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)

- ☐ Attached at Attachment (File name)
- ☒ Provided below:

DHA Mission Statement, Goals and Objectives

Resident Comment #1:

More outreach for discovered poor due to emphasis on middle/lower income outreach.

DHA Response:

DHA was required to use the template provided by HUD. DHA's mission encompasses the mission of HUD. Additionally, DHA currently serves the low and very-low income population.

Resident Comment #2:

Call a meeting and explain how to relate to the manual.

DHA Response:

DHA staff met with residents on the following dates: 7/28/99, 8/2/99, 8/5/99, 8/9/99, 8/11/99, 8/25/99, 8/26/99, 8/31/99, 9/1/99, 9/6/99, 9/8/99, 9/9/99, 9/13/99, 9/14/99, 9/16/99 and 9/27/99 to review and discuss the Agency Plan. Additionally, the Agency Plan has been available for public comment and review since August 9, 1999. The format for the Agency Plan was dictated by HUD regulations and DHA cannot change the format.

Resident Comment #3:

The goals have been presented well, I just hope the communications continue to be good.

DHA Response:

DHA appreciates this comment and will strive to continue communicating with the residents.

Policies on Eligibility, Selection and Admissions – Mandatory Deductions

Resident Comment #1:

I hope this is not a way to increase my cost.

DHA Response:

The method for calculating rent is mandated by federal law. Deductions, which decrease rent, are not discretionary they are statutorily mandated.

Policies on Eligibility, Selection and Admissions – Annual Income

Resident Comment #1:

I would like more review on this topic.

DHA Response:

The Agency Plan and policies are available at the DHA Central Office. The Agency Plan is available at all development offices. This plan contains DHA policies on annual income. The plan may be reviewed during normal business hours.

Child Care Expenses

Resident Comment #1:

No emphasis placed on periphery expenses such as diapers, lunch overview, snack monitors, etc.

DHA Response:

Childcare expenses are mandated by federal law. DHA does not have the discretion to allow any other deductions related to childcare.

Resident Comment #2:

Are there stipulations for children who are over the age of 13 with disabilities?

DHA Response

Regulations permit a deduction for children under 18 years of age. There is not a special deduction for disabled children.

Choice of Rent**Resident Comment #1:**

Keep it at 30% rate.

DHA Response:

DHA is required by statute to offer its tenants a choice of rent. The tenant can choose rent based on 30% of his/her income or the flat rent.

Resident Comment #2:

Cost of living compared to fixed income should be reviewed.

DHA Response:

The regulations do not permit cost of living comparisons. Additionally, DHA does not have the discretion to add this as a choice of rent option.

Resident Comment #3:

Percentage of monthly income.

DHA Response:

Currently the regulations provide for calculating rent at 30% of gross income or 10% of adjusted income, whichever is greater.

Resident Comment #4:

We hope this works.

DHA Response:

Flat rent was established to benefit the residents and to provide incentives for household members to work and not have their rent increased. DHA is also hopeful that these goals will be accomplished.

Community Service Policy**Resident Comment #1:**

No mention made of where community service will be and/or transportation services provided.

DHA Response:

HUD has not issued the final regulations regarding community service, however DHA will take this comment into consideration once the regulations are finalized.

Resident Comment #2:

If a disabled person wanted to try out how can they do it. Could they try this program?

DHA Response:

Community service will be mandatory for those persons subject to the final rules.

Resident Comment #3:

We need to work things as they happen.

DHA Response:

DHA agrees with this comment

Resident Comment #4:

Ridiculous, not mandatory.

DHA Response:

Community service is mandated by federal law. All tenants, unless they fall with an exempt category, will be required to comply with this mandate.

Resident Comment #5:

I would like DHA to have more activities for us to enjoy.

DHA Response:

The community service policy does not contemplate additional recreational activities for tenants. However, you may want to contact your local Resident Council.

Do you want Community Service?**Resident Comments #1 & #2:**

1. Maybe within limitations.
2. Within limitations, yes, teach them how to pay bills and quit free loading to be better American citizens and learn how to pay taxes

DHA Response:

The requirements for community service will be established by HUD regulations and DHA will be required to implement the regulations once they are finalized.

Very Low-Income Family**Resident Comment #1:**

Other direct members of working family contributing as opposed to single mom extended working families.

DHA Response:

Very low income is defined by statute and does not include this definition

Safety and Crime Prevention**Resident Comments #1 through #6:**

1. Without 24-hour security, areas of shade/light need to be maximized. As per the East Coast I feel that when conflict happens between residents that is being abused, is in danger because they must confront the violation by calling police getting others to document. Which usually causes more anger by the violation and can begin to cause possible physical types of contact. The person being there abused usually ends up totally isolating himself or herself to avoid conflict. Our safety depends on us. Some of the tenants sitting in the front lobby open the front door to anyone that knocks, whether they know them or not. There is not enough security or lights in rear parking and not functioning resident's vehicles have received damages to windows, windshields and vehicles have been stolen. I do not feel like going out after dark. Better car lot crime prevention. They may require a broader program.

2. We have security 1/3 of the time – other times our security is on locked door that anyone can open and let someone in if they are coming in.
3. I think that we should have security 24 hrs, 7 days a week. Also lighting checks on premises, this I know is as a security problem and safety problem. Parking lots gates would be good.
4. Parking definitely needs more attention full time. Need more security guards.
5. More goals for security on parking lot.
6. Security Guards needed.

DHA Response:

DHA has enhanced the security at many of its building by providing security guards and improved lighting. The security program currently in place is based on current levels of federal funding. DHA will continue to address its plans to further enhance security as part of the Annual Plan.

Pet Policy

Resident Comments #1 & #2:

1. Responsible pet ownership and care must be a pre-required. Not all pets are being taken care of. Strict rules enforced
2. Too much disease and other uncleanness!

DHA Response:

HUD has not issued final regulations regarding the implementation of a pet policy. However, once the regulations have been published, DHA will develop and implement a responsible pet policy, which will be strictly enforced.

3. In what manner did the PHA address those comments? (select all that apply)

- ☒ Considered comments, but determined that no changes to the PHA Plan were necessary.
- ☐ The PHA changed portions of the PHA Plan in response to comments
List changes below:
- ☐ Other: (list below)

B. Description of Election process for Residents on the PHA Board

1. ☐ Yes ☒ No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)
2. ☐ Yes ☒ No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

3. Description of Resident Election Process

a. Nomination of candidates for place on the ballot: (select all that apply)

- ☐ Candidates were nominated by resident and assisted family organizations
- ☐ Candidates could be nominated by any adult recipient of PHA assistance
- ☐ Self-nomination: Candidates registered with the PHA and requested a place on ballot
- ☐ Other: (describe)

b. Eligible candidates: (select one)

- ☐ Any recipient of PHA assistance
- ☐ Any head of household receiving PHA assistance
- ☐ Any adult recipient of PHA assistance
- ☐ Any adult member of a resident or assisted family organization
- ☐ Other (list)

c. Eligible voters: (select all that apply)

- ☐ All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- ☐ Representatives of all PHA resident and assisted family organizations
- ☐ Other (list)

C. Statement of Consistency with the Consolidated Plan

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

1. Consolidated Plan jurisdiction: (provide name here)

City and County of Denver, Colorado

2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)

- ☒ The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- ☐ The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- ☒ The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- ☐ Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan. (list below)

☐ Other: (list below)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)

D. Other Information Required by HUD

Use this section to provide any additional information requested by HUD.

COMMENTS – PUBLIC HEARING Held September 27, 1999

Public Comment #1:

Concerning community service, if residents have to do 8 hours per month of community service, does that include substance abuse and mental health treatment? Also, would that be apart from the TANF requirements on community service?

DHA Response:

HUD has not issued the final regulations on community service and until then DHA cannot accurately respond to that question. The Agency Plan does not address community service because there are no final regulations published at this time.

Public Comment #2:

Concerning choice of rent, if a resident chooses flat rent and then a situation arises where they cannot make that payment, will their rent automatically be reduced to 30% of their income?

DHA Response:

There are provisions for a resident to request a re-determination and change their rent payment

Attachments

Use this section to provide any additional attachments referenced in the Plans.

**Attachment 1 – Admissions and Occupancy Terms and Policies
(including Section 2.22 Deconcentration Policy)**

Attachment 2 – FY 1999 Capital Fund Annual Statement (Updated)

Attachment 3 – FY 1999 Capital Fund Action Plan

Attachment 4 – Administrative Plan (Section 8 Program)

CERTIFICATIONS

(Certificates will be forwarded to HUD hard copy only)

Certificate 1 – Certification by State or Local Official

**Certificate 2 – PHA Certification of Compliance with the PHA Plans
Board Resolution to Accompany the PHA Plan and Related
Regulations**

Certificate 3 – Disclosure of Lobbying Activities

Certificate 4 – Certification for a Drug-Free Workplace

PHA Plan Table Library

Component 7 Capital Fund Program Annual Statement Parts I, II, and II

Annual Statement

Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number FFY of Grant Approval: (MM/YYYY)

☐ Original Annual Statement

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	
3	1408 Management Improvements	
4	1410 Administration	
5	1411 Audit	
6	1415 Liquidated Damages	
7	1430 Fees and Costs	
8	1440 Site Acquisition	
9	1450 Site Improvement	
10	1460 Dwelling Structures	
11	1465.1 Dwelling Equipment-Nonexpendable	
12	1470 Nondwelling Structures	
13	1475 Nondwelling Equipment	
14	1485 Demolition	
15	1490 Replacement Reserve	
16	1492 Moving to Work Demonstration	
17	1495.1 Relocation Costs	
18	1498 Mod Used for Development	
19	1502 Contingency	
20	Amount of Annual Grant (Sum of lines 2-19)	
21	Amount of line 20 Related to LBP Activities	
22	Amount of line 20 Related to Section 504 Compliance	
23	Amount of line 20 Related to Security	
24	Amount of line 20 Related to Energy Conservation Measures	

Annual Statement

Capital Fund Program (CFP) Part II: Supporting Table

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost

Annual Statement
Capital Fund Program (CFP) Part III: Implementation Schedule

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)

Optional Table for 5-Year Action Plan for Capital Fund (Component 7)

Complete one table for each development in which work is planned in the next 5 PHA fiscal years. Complete a table for any PHA-wide physical or management improvements planned in the next 5 PHA fiscal year. Copy this table as many times as necessary. Note: PHAs need not include information from Year One of the 5-Year cycle, because this information is included in the Capital Fund Program Annual Statement.

Optional 5-Year Action Plan Tables				
Development Number	Development Name (or indicate PHA wide)	Number Vacant Units	% Vacancies in Development	
Description of Needed Physical Improvements or Management Improvements			Estimated Cost	Planned Start Date (HA Fiscal Year)
Total estimated cost over next 5 years				

Optional Public Housing Asset Management Table

See Technical Guidance for instructions on the use of this table, including information to be provided.

Public Housing Asset Management								
Development Identification		Activity Description						
Name, Number, and Location	Number and Type of units	Capital Fund Program Parts II and III <i>Component 7a</i>	Development Activities <i>Component 7b</i>	Demolition / disposition <i>Component 8</i>	Designated housing <i>Component 9</i>	Conversion <i>Component 10</i>	Home-ownership <i>Component 11a</i>	Other (describe) <i>Component 17</i>

**ADMISSIONS
AND
OCCUPANCY TERMS AND POLICIES
OF
THE HOUSING AUTHORITY OF THE CITY AND
COUNTY OF DENVER, COLORADO**

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ADMISSIONS AND OCCUPANCY DEFINITIONS

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SECTION 1

ADMISSIONS AND OCCUPANCY DEFINITIONS

ADMISSIONS AND OCCUPANCY DEFINITIONS

This section contains definitions of terms used in connection with admission and continued occupancy of the Conventional Public Housing program and Section 8 Housing program operated by the Housing Authority of the City and County of Denver ("DHA").

1.1 1937 Act

The United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*).

1.2 Adjusted Income

Adjusted income means annual income of the members of the family residing or intending to reside in the dwelling unit after making the following deductions:

Mandatory Deductions

- (a) \$480 for each Dependent (see definition of Dependent 1. 12);
- (b) \$400 for any elderly family or disabled family;
- (c) The sum of the following to the extent the sum exceeds three percent of annual income; (i) unreimbursed medical expenses of any elderly or disabled family; (ii) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability to the extent necessary to enable any member of the family (including the member with the disability) to be employed;
- (d) The amount of any earned income of a family member (other than the family head or spouse) who is not 18 years of age or older; and
- (e) Reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

1.3 Annual Income

(a) Annual income means all amounts, monetary or not, which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

- (3) Which are not specifically excluded in paragraph (c) of this section.
 - (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.
- (b) Annual income includes, but is not limited to:
- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
 - (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
 - (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
 - (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
- (6)
 - (i) The amount of reduced welfare income that is disregarded specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement.
 - (ii) Welfare assistance. The gross amount of the welfare grant standard, including the amount specifically designated for shelter and utilities. (In Colorado the welfare grant standard is calculated from a ratable reduction of the need standard).
- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;
- (8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section).

(c) Annual income does not include the following:

- (1) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
 - (2) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
 - (3) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (4) Income of a Live-In-Aide, as defined in 24 C.F.R. § 5.403;
- (5) The full amount of student financial assistance paid directly to the student or to the educational institution;
 - (6) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

- (7)
 - (i) Amounts received under training programs funded by the United States Department of Housing and Urban Development (“HUD”);
 - (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 - (iv) Amounts received under a tenant service stipend. A tenant service stipend is a modest amount (not to exceed \$200 per month) received by a tenant for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and tenant initiatives coordination. No tenant may receive more than one such stipend during the same period of time;
 - (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as tenant management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- (8) Temporary, nonrecurring or sporadic income (including gifts);
- (9) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (10) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- (11) Adoption assistance payments in excess of \$480 per adopted child;

- (12) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
- (13) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- (14) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- (15) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 C.F.R. 5.609(c) apply. A notice will be published in the Federal Register and distributed to public housing authorities and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. At this time the following exclusions are applicable:
 - (i) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
 - (ii) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
 - (iii) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
 - (iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
 - (v) Payments or allowances made under the Department of Health and Human Service's Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
 - (vi) Payments received under programs funded, in whole or in part, by the Job Training Partnership Act (29 U.S.C. 1552(b)), this includes payments received from AmeriCorps;
 - (vii) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-2504);
 - (viii) The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of the Interior (25 U.S.C. 117(b), 1407);

- (ix) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- (x) Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056(f));
- (xi) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- (xii) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-120, 94 Stat. 1785);
- (xiii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q); and,
- (xiv) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)).

(d) If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a determination at the end of the shorter period.

1.4 Applicant or Applicant Family

A person or a family that has applied for admission to a program but is not yet a participant in the program.

1.5 Child

Means a member of the family other than the family head or spouse who is under 18 years of age.

1.6 Child Care Expenses

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

1.7 Choice of Rent

The amount payable monthly by the family as rent and which is selected annually from the following options:

- a) Flat Rent - The amount of tenant rent based on the average rent reasonableness amount for a particular bedroom size in Denver.
- b) Income-based rent - The amount of tenant rent based on the family's income as determined by DHA, which does not exceed the total tenant payment.

1.8 Citizen

Means a citizen or national of the United States.

1.9 Community Service

- 1) Each adult tenant of a public housing project, unless exempt, shall contribute 8 hours per month of community service (not including political activities) within the community in which the adult resides or participate in an economic self-sufficiency program for 8 hours per month.
- 2) Community service is the performance of voluntary work or duties in the public benefit that serve to improve the quality of life and/or enhance tenant self-sufficiency, and/or increase the self responsibility of the tenant within the community in which the tenant resides.
- 3) Economic self-sufficiency means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants including programs for job training, employment counseling, work placement, basic skills, training, education, workfare, English proficiency, financial or household management, apprenticeship, any program necessary to ready a participant for work (such as substance abuse or mental health treatment) or other activities as provided by regulation.
- 4) Exemptions to this requirement include any individual who: (1) is 62 years of age or older; (2) is vision impaired or disabled as defined in section 216(i)(1) or 1614 of 42 U.S.C. 416(i)(1); 1382c and who is unable to comply with this section or is the primary caretaker of such individual; (3) is engaged in a work activity as defined in section 407(d) of 42 U.S.C. 607(d) as in effect on and after 7/1/97; (4) meets the requirements for being exempted from having to engage in work activity under the state program funded under Part A of Title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or any other welfare program

of the state including a state-administered welfare-to-work program; (5) the family is receiving assistance under a state program funded under Part A of Title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the state including a state administered welfare-to-work program and has not been found to be in noncompliance with the program.

1.10 Consent Form

Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers, state agencies receiving quarterly wage reports from employers; return information from the Social Security Administration; and return information for unearned income from the Internal Revenue Service. The consent form may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits.

1.11 Conventional Public Housing

Means the public housing programs administered by the Assistant Secretary for Public and Indian Housing under Title I of the 1937 Act and which DHA administers. This definition does not encompass HUD's Indian Housing programs administered under Title II of the 1937 Act. Further, this term does not include those programs providing assistance under Section 8 of the 1937 Act.

1.12 Dependent

A member of the family (except foster children and foster adults) other than the family head or spouse, who is under the age of 18 years, or is a person with a disability, or is a full-time student.

1.13 Disability Assistance Expenses

Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. The amount deducted to allow a family member to be employed cannot exceed the amount of employment income that is included in annual income.

1.14 Disabled Family

A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more Live-In-Aides; or persons with disabilities who are elderly.

1.15 Displaced Family

A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

1.16 Displaced Person

A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

1.17 Designated Family

Means the category of family for whom the project is designated (e.g., elderly family in a project designated for elderly families).

1.18 Designated Housing

Means a project (or projects), or a portion of a project (or projects) (as these terms are defined in 24 C.F.R. Part 945), that has been designated in accordance with the requirements of 24 C.F.R. Part 945.

1.19 Elderly Family

A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more Live-In-Aides.

1.20 Elderly Person

A person who is at least 62 years of age.

1.21 Extremely Low Income

Extremely low-income family. A family whose annual income does not exceed 30 percent of the median income for the area as determined by HUD, with adjustments for smaller and larger families.

1.22 Family

Family is defined as:

- (a) A family with or without children (the temporary, 90 days or less, absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- (b) An elderly family as defined in section 1.19;
- (c) A near-elderly family as defined in section 1.43;
- (d) A disabled family as defined in section 1.14;
- (e) A displaced family as defined in section 1.15;

- (f) The remaining member of a tenant family who meets all other eligibility criteria set forth in section 2.3 and 2.4;
- (g) A single person as defined in section 1.53; and
- (h) Two or more persons sharing residency, who are over eighteen (18) years of age and whose income and resources are available to meet the family's needs and who are either related by blood, marriage or operation of law, or who evidenced a stable family relationship over a period of six (6) months.

Evidence of "stable family relationship" may include any of the following: birth certificates of the children, joint tax return, prior lease (held jointly), joint bank accounts, insurance policies, prior joint credit history, or equivalent documentation as determined by DHA.

1.23 Family Members

All members of the household other than Live-In-Aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

1.24 Flat Rent

See Choice of Rent.

1.25 Full-time Student

A person who is attending school or vocational training on a full-time basis.

1.26 Head of Household

Means the adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

1.27 Household Members

Includes family members, Live-In-Aides and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

1.28 HUD

The United States Department of Housing and Urban Development, including any field offices to which authority has been delegated to perform certain functions.

1.29 Income Information

Income information means information relating to an individual's income, including:

- (1) All employment information known to current or previous employers or other income sources that HUD or DHA determines is necessary for purposes of determining an assistance applicant's or participant's eligibility for, or level of assistance in, a covered program;
- (2) All information about wages, as defined in the State's unemployment compensation law, including any Social Security Number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and when known, Employer Identification Number of an employer reporting wages under a State unemployment compensation law;
- (3) With respect to unemployment compensation;
 - (i) Whether an individual is receiving, has received, or has applied for unemployment compensation;
 - (ii) The amount of unemployment compensation the individual is receiving or is entitled to receive; and
 - (iii) The period with respect to which the individual actually received such compensation;
- (4) Unearned IRS income and self-employment, wages and retirement income as described in the Internal Revenue Code, 26 U.S.C. 6103(l)(7); and
- (5) Wage, social security (Title II), and supplemental security income (Title XVI) data obtained from the Social Security Administration.

1.30 Income Targeting

1. Public Housing

In each DHA fiscal year, at least 40% of families admitted to Public Housing must have incomes that do not exceed 30% of the area median income.

2. Section 8 - Tenant Based Assistance

Not less than 75% of the families admitted to the tenant-based Section 8 program during DHA's fiscal year shall be families whose annual income does not exceed the following amounts as determined by HUD:

- (i) 30 percent of the area median income with adjustments for small and larger families; or

- (ii) A higher or lower percent of the area median income if HUD determines a higher or lower percent is necessary because of unusually high or low family incomes.

3. Section 8 Project-based assistance (including moderate rehabilitation and Project-based certificates)

Not less than 40% of new admissions to a specific project shall have incomes at or below 30% of the area median income. Other admissions to a specific project must be at or below 80% of the area median income, with any HUD-instituted modifications for relatively low-income or high-income areas. Income targeting requirements do not apply to project based assistance made available to prevent or ameliorate the effects of displacement.

1.31 Incremental

The increase between the total amount of welfare and earnings of a family member prior to enrollment in the training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases or decreases, are treated in the usual manner in determining annual income.

1.32 INS

The United States Immigration and Naturalization Service.

1.33 Live-In-Aide

Live-In-Aide is a person who resides with one or more elderly persons or near-elderly persons, or persons with disabilities, and who:

- (1) Is determined to be essential to the care and well-being of the persons;
- (2) Is not obligated for the support of the persons; and
- (3) Would not be living in the unit except to provide the necessary supportive services.

1.34 Local Preferences

Selection preferences, based upon local housing needs and priorities, which are used in selecting among applicants.

1.35 Low Income Family

A family whose annual income does not exceed 80 percent of the area median income, as determined by HUD with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the area median income on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family income.

1.36 Medical Expenses

Medical expenses, including medical insurance premiums, which are anticipated during the period for which annual income is computed, and that are not covered by insurance.

1.37 Mixed Family

A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

1.38 Mixed Population Project

Means a public housing project reserved for elderly families and disabled families.

1.39 Monthly Adjusted Income

One twelfth of adjusted income.

1.40 Monthly Income

One twelfth of annual income.

1.41 National

Means a person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

1.42 Near-elderly Family

Near-elderly family means a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more Live-In-Aides.

1.43 Near-elderly Person

A person who is at least 50 years of age but below the age of 62. Near elderly persons do not qualify to live in Denver Housing Corporation properties.

1.44 Non-citizen

A person who is neither a citizen nor a national of the United States.

1.45 Net Family Assets

- (a) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD home ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- (b) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so

long as the fund continues to be held in trust. Any income distributed from the trust shall be counted when determining annual income under 24 C.F.R. § 5.609.

- (c) In determining net family assets, DHA or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

1.46 Owner

Owner has the meaning provided in the relevant program regulations.

1.47 Person With Disabilities

A person who:

- (a) Has a disability as defined in section 223 of the Social Security Act;
- (b) Is determined to have a physical, mental, or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions, or
- (c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

1.48 Proration of Assistance

The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance.

1.49 Public Housing Agency (PHA)

Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

1.50 Remaining Family Member

A person who is eighteen (18) years of age or older, meets all other eligibility criteria, and is a member of a DHA tenant family, but not a signatory to the lease and who continues to live in the unit after all other family members have left.

1.51 Section 8

Means all HUD programs which assist housing under Section 8 of the 1937 Act and which DHA administers.

1.52 Selection Preferences

Preferences used in selecting among applicants.

1.53 Single Person

A person who lives alone or intends to live alone, and who does not qualify as an elderly family or displaced person or as the remaining member of a tenant family.

1.54 Supportive Services

Employment training programs offering supportive services must include at least one of the following, or similar types of, social services:

- a. child care;
- b. transportation;
- c. personal welfare counseling (family/parental development counseling, parenting skills training for adult and teenage parents, substance/alcohol abuse treatment and counseling, self-development counseling);
- d. health care services (including outreach and referrals);
- e. youth leadership skills; youth mentoring.

1.55 Tenant Rent

The amount payable monthly by the family as rent to DHA or owner, as applicable. Where all utilities (except telephone) and other essential housing services are supplied by DHA or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by DHA or owner and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance.

1.56 Total Tenant Payment

- a) Total tenant payment is the highest of the following amounts, rounded to the nearest dollar:

- 1) 30 percent of the family's monthly adjusted income;
- 2) 10 percent of the family's monthly income;
- 3) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is designated for housing; or
- 4) Minimum rent.
 - i) For the Conventional Public Housing Program minimum rent shall be \$0.00, or such other amount as established by resolution of the Board of Commissioners.
 - ii) For the Section 8 Certificate, Voucher and Moderate Rehabilitation Voucher programs the minimum rent shall be \$50.00, or such other amount as established by resolution of the Board of Commissioners.
 - iii) For the Section 8 New Construction and Substantial Rehabilitation Project Based Program minimum rent shall be \$25.

This minimum rent includes tenant rent plus utility allowance.

1.57 Training Program

A learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency.

Training may include, but is not limited to:

- a. classroom training in a specific occupational skill;
- b. on-the-job training with wages subsidized by the program; or
- c. basic education

1.58 Utility Allowance

If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by DHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanity, and healthful living environment.

1.59 Utility Reimbursement

The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.

1.60 Very Low-Income Family

A low-income family whose annual income does not exceed 50 percent of the median family income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

1.61 Welfare Assistance

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state or local governments.

1.62 Working Family

A family whose income is based on actual employment or if the Head of Household and spouse or sole member are age 62 or older or receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work.

Any term not defined in this policy shall have the meaning set forth in the applicable HUD regulations.

SECTION 2

ADMISSIONS AND OCCUPANCY POLICIES

2.1 Fair Housing

It is the policy of DHA to fully comply with all Federal, state and local nondiscrimination laws including, but not limited to: Section 504 of the Rehabilitation Act and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under DHA's programs.

2.2 Reasonable Accommodation

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of DHA's housing programs. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines DHA will follow in determining whether it is reasonable to provide a requested accommodation.

Anyone requesting a Request for Reasonable Accommodation form shall receive one. All decisions granting or denying requests for reasonable accommodations will be in writing.

Disability is defined as:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

DHA has the right to obtain verification that the person is a person with a disability. Generally the individual knows best what it is they need; however, DHA retains the right to be shown how the requested accommodation enables the individual to access or use DHA programs.

If more than one accommodation is equally effective in providing access to DHA's programs and services, DHA retains the right to select the most efficient or economic choice.

2.3 Eligibility for Admission/Conventional Public Housing

In order for an applicant to be eligible for admission to Conventional Public Housing, the applicant must be eighteen (18) years old and meet the following conditions:

- 1) Family: The applicant shall meet the definition of family as set forth in section 1.22 of this Admissions and Occupancy Policy ("Policy").
- 2) Income Eligible: The applicant must be income eligible in accordance with the annual income limits for admission to Conventional Public Housing as set forth in HUD's most recent published income limits for admission.
- 3) U.S. Citizen or National: The applicant must be a U.S. citizen or U.S. national as defined in 24 C.F.R. Part 5. U.S. citizens and U.S. nationals must provide a signed declaration of U.S. citizenship or U.S. nationality. Non-citizens who are 62 years of age or older or who will be receiving assistance under a Section 214 covered program on September 30, 1996, or applying for assistance after that date, must provide a signed declaration of eligible immigration status and proof of age document. All other non-citizens must provide a signed declaration of eligible immigration status, one of the documents referred to in 24 CFR §5.510, and a signed verification form. See Section 2.5 for more details.
- 4) Tenant Selection Criteria: It is DHA's policy that all applicants for Conventional Public Housing shall be screened for program eligibility in accordance with HUD regulations. DHA has established criteria to avoid concentration of families with serious social problems in DHA developments. It is also DHA's policy to preclude admission of applicants, or to terminate the lease of tenants, whose habits and practices reasonably may be expected to have a detrimental effect on other tenants, the development environment, DHA staff or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet any one of the selection criteria.

Relevant information regarding habits or practices of applicants and household members which DHA will consider include, but are not limited to, the following:

- (a) Reference checks and interviews with landlords, employers, family social workers and parole officers.
- (b) Reference checks and information regarding applicant's and household members conduct and behavior, in present or prior housing, which

demonstrates that the applicant and/or household members can reasonably be expected not to:

- (i) interfere with other tenants in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
 - (ii) adversely affect the physical environment or financial stability of the project;
 - (iii) violate the terms and conditions of the lease.
- (c) The applicant's past performance in meeting financial obligations, especially rent. DHA will consider any past balances applicant owes for any program that DHA administers or any other rent subsidy program. These balances must be paid in full (either in a lump sum or over time) before completing the admission process. DHA will not admit applicants or household members who owe back balances.
- (d) Relevant information regarding any history of criminal activity on the part of any applicant and household members involving crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other tenants or staff or cause damage to the unit or the development.
- (e) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors.
- (f) Applicant or household members, during a previous tenancy, violated any tenant obligations under the Conventional Public Housing program including, but not limited to: failure to supply information or falsifying information any records required in administration of the programs, including those needed to determine income eligibility, and family composition; not allowing DHA to inspect the unit at reasonable times and after reasonable notice; not using the premises solely as the family's principal place of residence.
- (g) Applicant's or household members disregard of rules of occupancy and rights of others including, but not limited to, disturbance or poor housekeeping habits.
- (h) A record of eviction from housing or involuntary termination from residential programs (taking into-account date and circumstances).

- (i) Applicant or household members is/are illegally using a controlled substance. However, any applicant or household member who has been convicted of manufacturing or otherwise producing methamphetamine on the premises in violation of any Federal or State law may not be admitted to the Public Housing program or Section 8 program.
- (j) Applicant or household members abuse(s) alcohol in a way that gives DHA reasonable cause to believe the behavior may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.
- (k) Applicant or household members who have been evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of the eviction. DHA can waive this requirement if:
 - (i) the person demonstrates successful completion of a state certified rehabilitation program or
 - (ii) the circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.

Mitigating circumstances applicable to subsections (a) through (j) above: If unfavorable information is received about an applicant or household members, consideration shall be given to the time, nature, seriousness and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. To be factored into DHA's screening assessment of the applicant, mitigating circumstances must be verifiable.

Examples of mitigating circumstances include, but are not limited to:

- (i) evidence of rehabilitation;
- (ii) evidence of the applicant family's participation in or willingness to, participate in social service or other appropriate counseling service programs;
- (iii) evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. DHA has discretion to consider all of the circumstances in each case including the seriousness of the case, the extent of participation or culpability of individual household members, and the effects of

denial or termination of assistance on other household members who were not involved in the action or failure to act.

2.4 Eligibility for Admission Section 8

In order for an applicant to be eligible for admission to the Section 8 program, the applicant must be eighteen (18) years old and meet the following conditions:

- 1) Family: The applicant shall meet the definition of family as set forth in section 1.22 of this Policy.
- 2) Income Eligible: The applicant must be income eligible in accordance with the annual income limits for admission to the Section 8 program as set forth in HUD's most recent, published income limits for admission.
- 3) U.S. Citizen or National: The applicant must be a U.S. citizen or U.S. national as defined in 24 C.F.R. Part 5. U.S. citizens and U.S. nationals must provide a signed declaration of U.S. citizenship or U.S. nationality. Non-citizens who are 62 years of age or older or who will be receiving assistance under a Section 214 covered program on September 30, 1996, or applying for assistance after that date, must provide a signed declaration of eligible immigration status and proof of age document. All other non-citizens must provide a signed declaration of eligible immigration status, one of the documents referred to in 24 CFR §5.510, and a signed verification form. See Section 2.5 for more details.
- 4) Tenant Selection Criteria: It is DHA's policy that all applicants, and applicant's family, for the Section 8 program shall be screened for program eligibility in accordance with HUD regulations. Relevant information which DHA will consider includes, but is not limited to, the following:
 - (a) History of drug-related criminal activity or violent criminal activity. DHA will deny an applicant who has been convicted of manufacturing or otherwise producing methamphetamine on the premises in violation of any Federal or state law. DHA may deny assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether applicant or applicant's family member has been arrested and convicted.
 - (b) History of applicant or applicant family's illegal use, or possession for personal use, of a controlled substance within one (1) year from the date DHA provides notice to the applicant of DHA's determination to deny assistance.

DHA may not deny or terminate assistance for such use or possession by applicant's family, if the family member can demonstrate that he or she:

- (i) has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
 - (ii) is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. DHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.
- (c) Applicant or applicant family's pattern of illegal use of a controlled substance or pattern of abuse of alcohol gives DHA reasonable cause to believe that the pattern of abuse may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.

DHA may waive the policies prohibiting admission in these circumstances if the person demonstrates to DHA's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

- (i) has successfully completed a supervised drug or alcohol rehabilitation program;
 - (ii) has otherwise been rehabilitated successfully; or
 - (iii) is participating in a supervised drug or alcohol rehabilitation program.
- (d) Applicant or applicant's family who have been evicted from public housing, Indian housing, Section 23 or any Section 8 program because of drug related criminal activity are ineligible for participation in the Section 8 program for a three (3) year period, beginning on the date of such eviction. DHA may waive this requirement if:
- (i) the person demonstrates successful completion of a rehabilitation program approved by DHA, or
 - (ii) the circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.

Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. DHA has discretion to consider all of the circumstances in each case including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of

denial or termination of assistance on other family members who were not involved in the action or failure to act.

2.5 Verification of Citizenship or Eligible Non-citizen Status/ Conventional Public Housing and Section 8

- (a) The citizenship or eligible non-citizen status of each family member regardless of age must be determined. Prior to being admitted, or at the first re-examination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status. DHA shall notify applicants and tenants, that they will be required to submit evidence of citizenship or eligible immigration status. This applies to all families regardless of any documentation of the person's identity, which may have been previously obtained. An extension of time, not to exceed thirty (30) days may be granted to allow the applicant an opportunity to obtain the evidence required. The determination of the length of the extension needed shall be based on the circumstances of each individual case. The decision to grant or deny an extension shall be a written notice to the applicant, which specifies the extension period. If the extension is denied, the notice shall explain the reasons for the denial.
- (b) Applicants with no eligible family members do not qualify for assistance.
- (c) Applicants whose family members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status (mixed family) qualify for prorated assistance.
- (d) Non-citizen student applicant or tenant, living alone or accompanied by immigrant spouse and/or children do not qualify for assistance.
- (e) Non-citizen student applicant or tenant whose family members include a citizen spouse and citizen children are eligible for prorated assistance.
- (f) Tenants in occupancy on or before June 19, 1995, are eligible for Continued Assistance if Head of Household or spouse are eligible and family includes no non-eligible members other than parents or children of Head of Household or spouse. Tenants who do not qualify for Continued Assistance have the opportunity to choose between a Temporary Deferral of Assistance or Prorated Assistance.
- (g) Tenants in occupancy on or before June 19, 1995, who do not qualify for Continued Assistance and whose family members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status (mixed family) have the opportunity to choose between Temporary Deferral of Assistance or Prorated Assistance.
- (h) Tenants who qualify for a temporary deferral of termination assistance must show evidence of seeking a standard appropriate size unit within 125% of the rent it is presently paying before the deferral will be granted.

The deferral period shall be for an initial period not to exceed six (6) months. The initial period may be renewed for six months, but the aggregate deferral period for deferrals provided after November 29, 1996 shall not exceed a period of eighteen (18) months. The aggregate deferral period for deferrals granted prior to November 29, 1996 shall not exceed three (3) years.

- (i) Mixed Family in occupancy after June 19, 1995, qualify for only Prorated Assistance.
- (j) Prorated Assistance shall be recalculated whenever there has been a change in family composition or income.
- (k) DHA will calculate the proration of assistance using the methodology for determining Maximum Rents and proration as provided by HUD.
- (l) Tenants in occupancy after June 19, 1995, with no eligible family members do not qualify for assistance.
- (m) Upon determination of ineligible status the maximum rent based on the 95 percentile will be charged effective the first of the month following notification to tenant of ineligible status.

2.6 Social Security Number Disclosure/Conventional Public Housing and Section 8

At the time of initial application (if an applicant), or at the next regular scheduled re-examination (if a tenant or Section 8 participant), each applicant, tenant or Section 8 participant must submit the complete and accurate social security number ("SSN") assigned to the applicant, tenant or Section 8 participant and each member of their family who is at least six (6) years of age. Documentation verifying each SSN must also be provided. If an applicant, or their family member who is at least six years of age, has a SSN that cannot be documented then he/she/they must sign a certification in the form and manner that HUD and DHA prescribe in applicable administrative instructions. If an applicant, or their family

member who is at least six years of age, has never been assigned a SSN, then he/she/they must sign a certificate in the form and manner that HUD and DHA prescribe in applicable administrative instructions.

- 1) Each tenant or Section 8 participant whose initial determination of eligibility under the program involved was begun before November 6, 1989 must submit the following information to DHA at the next regularly scheduled income reexamination for the program involved:
 - (a) The complete and accurate SSN assigned to the tenant or Section 8 participant and to each member of their household who is at least six (6) years of age. The documentation necessary to verify the SSN is a valid card issued by the Social Security Administration or such other evidence prescribed by HUD or DHA.

- (b) If the tenant or Section 8 participant or any member of their household who is at least six (6) years of age has not been assigned an SSN, a certification executed by the individual involved which is in the form and manner that HUD and DHA have prescribed must be provided.
- 2) Once a tenant or Section 8 participant has disclosed and verified every SSN, or submitted any certification that a SSN has not been assigned, the following rules apply:
 - a) If the tenant's or Section 8 participant's household adds a new member who is at least six (6) years of age, the tenant or Section 8 participant must submit to DHA, at the next interim or regularly scheduled income reexamination that includes the new members:
 - (i) The complete and accurate SSN's assigned to each new member. The documentation necessary to verify the SSN, which is a valid card issued by the Social Security Administration, or such other evidence prescribed by HUD or DRA must also be submitted.
 - (ii) If the new member has not been assigned a SSN, a certification executed by the individual involved which is in the form and manner that HUD and DHA have prescribed may be provided.
 - (b) If the tenant or Section 8 participant or any member of their household who is at least six (6) years of age obtains a previously undisclosed SSN, or has been assigned a new SSN, the tenant or Section 8 participant must submit the complete and accurate SSN to DHA at the next regularly scheduled income reexamination. The documentation necessary to verify the SSN, which is a valid card issued by the Social Security Administration, or such other evidence prescribed by HUD or DHA, must also be submitted.
 - (c) Additional SSN disclosure and verification requirements may be specified in administrative instructions by DHA.
 - (d) Applicants, tenants or Section 8 participants who do not have a SSN shall provide DHA with a SSN within 60 days after DHA notifies him/her/them, in writing, that a SSN must be provided.
- 3) If an individual who is required to disclose his/her SSN cannot meet the documentation requirements, he/she/they must submit to DHA the individual's SSN and a certification executed by the individual that the SSN submitted has been assigned to the individual, but that acceptable documentation to verify the SSN cannot be provided.

- 4) Except for the following, DHA must accept the certification and continue to process the applicant's, tenant's or Section 8 participant's documents to determine his/her/their eligibility to participate in the program involved:
 - (a) Only for reasons as HUD and DHA prescribe in applicable administrative instructions.
- 5) If DHA determines that an applicant is otherwise eligible to participate in its program, the applicant may not become a tenant or Section 8 participant unless he/she/they submit(s) the required documentation within sixty (60) calendar days from the date on which the certification is executed. DHA may, in its discretion, extend this period for up to an additional sixty (60) days if the individual is at least 62 years of age and is unable to submit the required documentation within the initial sixty (60) day period.
- 6) If DHA determines that a tenant or Section 8 participant is otherwise eligible to participate in its program, participation will continue, provided that the tenant or Section 8 participant submits the required documentation within sixty (60) calendar days. DHA may, in its discretion, extend this period for up to an additional sixty (60) days, if the individual is at least 62 years of age and is unable to submit the required documentation within the initial sixty (60) day period.
- 7) DHA shall deny eligibility of an applicant in accordance with the provisions governing the program involved, if the applicant does not meet the applicable SSN disclosure, documentation, verification and certification requirements. DHA shall terminate the assistance or tenancy, or both, of the tenant or Section 8 participant, in accordance with the provisions governing the program involved, if the tenant or Section 8 participant does not meet the applicable SSN disclosure, documentation, verification, and certification requirements.

2.7 Verification of Statements and Income/Conventional Public Housing and Section 8

All income and asset information for admission and continued occupancy will be verified by DHA, prior to determining eligibility for admission. Verification of family composition will be satisfied by submitting birth certificates from the Bureau of Vital Statistics on all children in the family. Legal child custody papers, or other sufficient documentation must be submitted once it has been determined that the mother and father do not live together. For the dependent children listed in the family composition, who are not the children of the Head of Household or spouse, documentation of legal custody or the written designation of the parent or other person having legal custody of the children must be submitted.

Verification of disability will be satisfied by presenting evidence of SSI and Social Security benefits or a doctor's statement that the individual is disabled.

Verification of citizenship will be satisfied by submitting birth certificates or naturalization documents.

When an applicant, tenant or Section 8 participant reports annual income that appears to be less than adequate to support the family composition, or if the family appears to be eligible for income that the family reports they do not receive (e.g., AFDC, welfare, unemployment compensation, child support, etc.) the absence of such income will be verified.

Section 8 Only. Applicant information verifying that applicant and members of the household is/are eligible for the Section 8 program can be no more than ninety (90) days old in order for DHA to issue a certificate or voucher.

Conventional Public Housing Only. For subsequent re-examinations, the verification process will begin 90 days prior to the anniversary lease date to ensure that current and accurate data are being used in calculating rents. All decreases in income, which affect rent between admission and re-examination will be verified in accordance with these provisions.

Applicant information verifying that applicant and members of the household is/are eligible for Conventional Public Housing can be no more than ninety (90) days old in order for applicant to be placed on the waiting list or in housing.

Section 8 Only. Refer to the Section 8 Administrative Plan for details regarding subsequent re-examinations.

Applicant's, tenant's, or Section 8 participant's files will contain documentation of all verifications including, but not limited to, the following:

- 1) Verification or authorization for DHA to obtain certification from a third party of all statements regarding income, assets, and allowances.
- 2) All income, assets, and each applicable deduction or exemption will be verified prior to admission and at each subsequent re-examination or re-determination.
- 3) Conventional Public Housing Only. After verification, all required certification documents shall be signed by the applicant or tenant and duly appointed representative of DHA, as appropriate.
- 4) Section 8 Only. After verification, the applicant certifications or the Section 8 participant certifications (or re-examination application or

re-determination application, if any, of the Section 8 participant information has not changed) shall be signed by the Section 8 participant or applicant and a duly appointed DHA representative, as appropriate.

- 5) Additional information required by DHA prior to determining eligibility including, but not limited to, the following:
 - (a) Family composition such as vital statistics birth certificates of all minors and custody papers, if applicable;
 - (b) Information that enables DHA to verify the amount of household income;
 - (c) Social Security cards or proof of Social Security number for each member of the family, six years of age or older;
 - (d) Military records, if applicable;
 - (e) Photo I.D. of Head of Household/spouse;
 - (f) Current record of police clearance which must be obtained from the Colorado Bureau of Investigations;
 - (g) If not a citizen of the United States, must provide documentation proving you have legal immigration status in the United States.
 - (h) Conventional Public Housing Only. Past and present landlord references (names, addresses, phone numbers)

2.8 Applicants May Be Denied Conventional Public Housing Based on the Following:

- (a) Applicant does not meet any one or more of the eligibility criteria set forth in section 2.3;
- (b) Reference checks and information regarding applicant's and household member's conduct and behavior, in present or prior housing, demonstrates the applicant and household members can reasonably be expected to:
 - (i) interfere with other tenants in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
 - (ii) adversely affect the physical environment or financial stability of the project;
- (iii) violate the terms and conditions of the lease;
- (c) Applicant currently owes rent or other amounts to DHA or any other rent subsidy program;
- (d) Applicant or any household member has committed fraud in connection with any federal housing assistance program;

- (e) Applicant or household members, during a previous tenancy, violated any tenant obligations under the Conventional Public Housing program;
- (f) Applicant or a household member have a history of criminal activity involving crimes of physical violence against persons or property and any other criminal acts including, but not limited to, drug-related criminal activity which would adversely affect the health, safety or welfare of other tenants or staff or cause damage to the unit or the development;
- (g) Applicant or household members have a history of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;
- (h) Applicant or household members have a record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances);
- (i) Applicant or household members is/are illegally using a controlled substance;
- (j) Applicant has breached an agreement to pay amounts owed to DHA;
- (k) Applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent;
- (l) Applicant was evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity within the past three (3) years beginning on the date of such eviction;
- (m) Applicant or members of the household abuse alcohol in a way that DHA has reasonable cause to believe it may interfere with the health, safety or right to peaceful enjoyment of the premises by other tenants;
- (n) Applicant or any members of the household do(es) not sign and submit the consent forms for obtaining information as required in 24 C.F.R. §5.230;
- (o) Applicant or members of the household do not meet the applicable SSN disclosure, documentation, verification and certification requirements;

- (p) HUD regulations require that assistance be denied; and
- (q) **Denied for Life:** If any applicant or household member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property.

DHA can deny admission to any applicant based upon the criteria set forth in subsections (a) through (q) above.

Public housing is a place to live, not a place to deal drugs or to terrorize neighbors. DHA does not want its public housing developments to be under siege by gangs, violent criminals and drug dealers who threaten the safety and welfare of decent, responsible tenants. Therefore, DHA has adopted the “One Strike and You’re Out” policy. People living in public housing who engage in drug and other criminal activity will face certain and swift eviction.

2.9 Applicants May Be Denied Section 8 Housing Assistance Based on the Following:

- (a) Applicant does not meet any one or more of the eligibility criteria set forth in section 2.4;
- (b) Reference checks demonstrate that applicant’s and applicant’s family conduct creates a threat to health, safety, or welfare of neighbors;
- (c) Applicant currently owes rent or other amounts to DHA or another PHA in connection with Section 8 or public assistance under the 1937 Act;
- (d) Applicant or applicant’s family has not reimbursed PHA for amounts paid to an Owner under the HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
- (e) Applicant or any member of the applicant’s family commits fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program including the intentional misrepresentation of information related to their housing application or benefits derived therefrom;
- (f) Applicant or applicant’s family violates any family obligations under the Section 8 program including, but not limited to: failure to supply information and records required in administration of the programs, including those needed to determine income eligibility, and family composition; not allowing DHA to inspect the unit at reasonable times

and after reasonable notice; not using the premises solely as the family's principal place of residence;

- (g) Applicant or a member of the applicant's family has a history of drug-related criminal activity or violent criminal activity. DHA may deny assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether applicant or applicant's family member has been arrested and convicted;
- (h) DHA has previously terminated assistance under the certificate or voucher program for applicant or any member of applicant's family;
- (i) Applicant or applicant's family have a record of disturbance of neighbors at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;
- (j) Applicant or applicant's family has breached an agreement with DHA to pay amounts owed to DHA, or amounts paid to an Owner by DHA;
- (k) Applicant or applicant's family was ever evicted from public housing;
 - (1) Applicant or applicant family's pattern of illegal use of a controlled substance or patterns of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants;
 - (m) Applicant or applicant's family members have a record of illegal use, or possession for personal use, of a controlled substance within one (1) year from the date DHA provides notice to the applicant of DHA's determination to deny assistance;
 - (n) Applicant or any member of applicant's family does not sign and submit the consent forms for obtaining information in accordance with 24 C.F.R. Part 760 and 24 C.F.R. Part 831;
 - (o) Applicant or applicant's family participation in FSS program fails to comply, without good cause, with the family's FSS contract of participation;
 - (p) Applicant or members of applicant's family has engaged in or threatened abusive or violent behavior toward DHA personnel;

- (q) Applicant or applicant's family members do not meet the applicable SSN disclosure, documentation, verification and certification requirements;
- (r) HUD regulations require that assistance be denied; and
- (s) **Denied for Life:** If any applicant or applicant's family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property.

NOTE: Although DHA determines eligibility for admission to the Section 8 program; the applicant must also meet tenant selection criteria as defined by the private landlord.

DHA can deny admission to any applicant or terminate assistance to any Section 8 participant based upon the criteria set forth in subsection (a) through (s) above.

2.10 Notification of Cancellations and Denials for Ineligible Applicants/Conventional Public Housing and Section 8

1) Cancellations

Applicants for the Conventional Public Housing or the Section 8 Housing may be canceled for:

- a) failure to provide necessary requested information, in required time frame. Exceptions: flexibility may be granted in those cases where an employer refuses to complete an employment verification.
- b) failure to resolve any dispute concerning alleged debts to DHA within a required time frame.

2) Denials

For admission to Conventional Public Housing and the Section 8 program, the applicant must meet tenant selection criteria set forth in sections 2.3 and 2.4 as defined by DHA.

Applicants for Conventional Public Housing shall be notified of denial or cancellation, in writing, and informed of his/her right to an informal hearing. See section 2.11.

Applicants for Section 8 assistance shall be notified of denial or cancellation, in writing, and informed of his/her right to an informal review. See section 2.12.

2.11 Informal Hearing Process/Conventional Public Housing

- 1) DHA will send prompt written notice to an applicant for Conventional Public Housing notifying him/her that he/she has been denied housing and the reason(s) supporting the determination of ineligibility. The notice will also advise the applicant of his/her right to an informal hearing.
- 2) Whenever a written notice of denial or cancellation is given to an applicant, that notice must state all grounds upon which DHA will rely for the denial or cancellation. If the notice of cancellation is based on an alleged outstanding debt to DHA, the notice will state the development where the debt was incurred and the total amount claimed as due.
- 3) The applicant must request the informal hearing, in writing, to DHA and must do so within fourteen (14) calendar days of the date the application was canceled. DHA will then schedule an informal hearing no later than sixty (60) calendar days from the date DHA received the applicant's written request. If the applicant does not request a hearing in accordance with this paragraph, then DHA's disposition of the matter shall become final. However, failure to request a hearing shall not constitute a waiver by the applicant of his/her right thereafter to contest DHA's disposition of the matter in an appropriate judicial proceeding.
- 4) Upon the written request of the applicant or DHA, the hearing may be postponed and rescheduled to the next available regularly scheduled hearing date. This request for postponement must be submitted at least twenty-four (24) hours prior to the scheduled hearing. A hearing may be postponed once. If the applicant fails to appear at the second scheduled hearing, DHA's disposition of the grievance will become final.
- 5) The hearing will be conducted by a member of DHA staff (hereafter referred to as the "Hearing Officer") who did not make the initial decision to cancel or deny the application or a subordinate of that person. During the hearing, DHA's and the applicant's witnesses and potential witnesses in the matter may be present, and those persons shall be permitted to observe the entire hearing. The applicant will be afforded a fair hearing and provided the basic safeguards of due process, which shall include:
 - (a) The opportunity to examine before the hearing any DHA documents, including records and regulations that are directly relevant to the hearing. The applicant shall be allowed to copy any such document at the applicant's expense. However, the documents shall not be removed from DHA's premises. Any document not made available, after the

request of the applicant has been received, will not be relied on by DHA at the hearing.

- (b) The right to be represented by counsel or other person selected as a representative.
 - (c) The right to a private hearing unless the applicant requests a public hearing.
 - (d) The right to present evidence and arguments to controvert evidence relied on by DHA and to confront and cross-examine all witnesses on whose testimony or information DHA relies.
 - (e) A decision based solely and exclusively upon the facts presented at the hearing.
 - f) The Hearing Officer will consider only those issues presented in the original notice, and will not consider new issues or evidence of which the applicant had no notice.
- 6) The Hearing Officer will give a final written decision to the canceled or denied applicant. The decision will be mailed to the applicant at the address that applicant has on file with DHA within ten (10) working days after completion of the hearing.
- 7) If the applicant or DHA fails to appear at the scheduled hearing, the Hearing Officer may determine that the party has waived his/her right to a hearing. Both DHA and the applicant shall be notified of the determination by the Hearing Officer.
- 8) The hearing will be conducted informally by the Hearing Officer. The Hearing Officer shall require DHA, the applicant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain order may result in expulsion from the proceedings or in a decision adverse to the interests of the disorderly party, and granting or denial of the relief sought, as appropriate.
- 9) A Hearing Officer may re-open a canceled application for the Conventional Public Housing program when the applicant provides the necessary requested information or resolves any dispute concerning an alleged debt owed to DHA or any other agency.

2.12 Informal Review Process/Section 8

Refer to Section 8 Administrative Plan for details regarding the informal review procedures utilized when an applicant for Section 8 has been denied or canceled.

NOTE: DHA is not required to provide the applicant an opportunity for an informal review for any of the following:

- (a) Discretionary administrative determinations by DHA.
- (b) General policy issues or class grievances.
- (c) A determination of the family unit size under DHA subsidy standards.
- (d) A DHA determination not to approve an extension or suspension of a certificate or voucher term.
- (e) A DHA determination not to grant approval to lease a unit under the program or to approve a proposed lease.
- (f) A DHA determination that a unit selected by the applicant is not in compliance with Housing Quality Standards ("HQS").
- (g) A DHA determination that the unit is not in accordance with HQS because of the family size or composition.

2.13 Selection Preferences For Conventional Public Housing and Section 8

1) *Federal Preferences* - Pursuant to Section 514 of the Quality Housing and Work Responsibility Act (QHWRA) all federal selection preferences for Conventional Public Housing and the Section 8 program have been eliminated. DHA utilizes only local selection preferences.

2) Local Selection Preferences for Section 8 Program.

- (a) Chronically mentally ill as defined in *Arevalo, et al. v. City and County of Denver*.
- (b) Division of Family Employment Resources.
- (c) Colorado Coalition for the Homeless.
- (d) Atlantis Program.
- (e) Colorado Health Network.

Section 8 local selection preferences shall have the order of priority listed above. Irrespective of these local selection preferences, tenants entitled to the benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201-4655) ("Relocation Act") shall have priority over any applicant for placement in the Section 8 program.

3) Local Selection Preferences for Conventional Public Housing.

- (a) Working families
- (b) Employment Incentive
- (c) Education or Employment Training

4) Selection preference for mixed populations projects.

DHA will give equal preference to elderly families and disabled families in determining priority for mixed-population projects.

Irrespective of these local selection preferences, tenants entitled to the benefits provided by the Relocation Act shall have priority over any applicant for placement in housing.

2.14 Description of Local Selection Preferences - Section 8 Housing

Refer to the Section 8 Administrative Plan for a detailed description of local selection preferences for the Section 8 program.

2.15 Description of Local Selection Preferences - Conventional
Public
Housing

1) Working Families.

Eligible applicants will be selected within income ranges established in accordance with federal regulation (24 C.F.R. Part 5). No more than 40 percent of annual admissions will be based on this local preference. A local preference shall be given to the following families in descending order of priority:

- a) Income Tier II families, earning between 50% and 80% of the area median income as defined by HUD.
- b) Income Tier I families, earning from a level established by DHA up to 50% of the median income as defined by HUD.

The Income Tiers are defined by income range and family size, as shown on Addendum 1. Applicants will be selected sequentially from a local preference list. Within each preference list, those with a 1 priority will be selected before those with a 2 priority, and so on. If eligible applicants are in the same Income Tier, applicants will be selected chronologically, based upon the date and time of application.

2) Employment Incentive.

A preference for families whose Head of Household or spouse is working a minimum of 20 hours a week or more and has been working for at least one year at the time of the application.

3) Education or Employment Training.

A preference for families whose Head of Household or spouse has been enrolled in an education or employment and training program for at least six months at the time of the application.

4) Selection preference for mixed population projects.

DHA will give equal preference to elderly families and disabled families in determining priority for mixed-population projects.

Irrespective of these local selection preferences, tenants entitled to the benefits provided by the Relocation Act shall have priority over any applicant for placement in housing.

2.16 Qualification and Verification of Claimed Local Selection
Preference/Conventional Public Housing and Section 8

- 1) At time of application, the family may certify that they are eligible for the local selection preference. An official verification of the claimed selection preference will be requested by the Occupancy Department. It is the applicant's responsibility to ensure that the Occupancy Department receives the verification within the given time frame.

If official verification is not received within the given time frame, the applicant will be placed on the waiting list without a preference. The verification is valid for ninety (90) days after receipt. If the applicant is not housed within ninety (90) days, eligibility for the preference must be re-verified.

- 2) The Section 8 program does not maintain a waiting list, it selects applicants by lottery. For more details refer to the Section 8 Administrative Plan.

2.17 Notification of Selection Preference Denial/Conventional Public

Housing and Section 8

If DHA determines that an applicant does not qualify for a local selection preference claimed by the applicant, DHA shall notify the applicant, in writing, within five (5) working days of the determination. The notice shall contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with a representative of DHA. The meeting may be conducted by any person or persons designated by DHA, who may be an officer or employee of DHA, including the person who made or reviewed the determination or a subordinate employee.

2.18 Notification of Eligibility for Selection Preference/Conventional Public Housing and Section 8

All applicants who are approved for admission into Conventional Public Housing or Section 8 and qualify for a selection preference will be notified, in writing, of their preference status or any change in their preference status.

2.19 Notification of Eligibility for Admission Conventional Public Housing and Section 8

Each applicant determined to be eligible for admission to Conventional Public Housing and Section 8 shall be notified, in writing, of such determination and of the approximate date (if possible) of occupancy, as estimated by DHA at the time of notification. A record of notification shall be maintained by DHA for a reasonable period of time.

2.20 Selection from the Waiting List/Conventional Public Housing

DHA shall follow the statutory requirement that at least 40% of newly admitted families, in any DHA fiscal year, be families whose annual income is at

or below 30% of the area median income. To ensure this requirement is met DHA shall monitor, on a quarterly basis, the incomes of newly admitted families and the incomes of the families on the waiting list. If there are not enough extremely low-income families on the waiting list DHA will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

2.21 Selection from the Lottery Pool/Section 8 Tenant Based Assistance and Project Based Assistance

DHA shall follow the statutory requirement that at least 75% of families newly admitted to the Section 8 Tenant Based Program and 40% of the families newly admitted to the Section 8 Project Based program, in any DHA fiscal year, be families whose annual income is at or below 30% of the area median income. To ensure that these requirements are met, DHA shall monitor, on a monthly basis, the incomes of newly admitted families, and the incomes of the families in the lottery pool.

2.22 Deconcentration Policy/Conventional Public Housing

It is the policy of the DHA to provide for the deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, DHA has instituted local preferences and will continue to affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

Prior to the beginning of each DHA fiscal year, we will analyze the income levels of families residing in each of our developments, each of our buildings, the census tracts in which our developments are located and the families on our waiting lists. Based on this analysis we will determine the level of marketing strategies and whether or not additional incentives will have to be developed and implemented.

2.23 Deconcentration Incentives

DHA may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development. Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and non-discriminatory manner.

2.24 Site Based Waiting List - Curtis Park Homes

DHA proposes that a site-based waiting list be implemented at Curtis Park Homes, a HOPE VI mixed-income site, after new construction has been completed. This site-based waiting list will allow applicants to move to the development of their choice and will attract a more diverse population with a broader range of incomes to the new HOPE VI community. Consequently, more working families may apply to and move into this HOPE VI mixed-income community. Adoption of a site-based waiting list would not violate any court order, settlement agreement or be inconsistent with a pending HUD complaint. DHA will comply with all the requirements set forth in the Public Housing Agency Plans; Interim Rule, Federal Register/Vol. 64, No. 32, p. 8182.

Specifically, the newly constructed Curtis Park Homes will be owned by a private entity ("Owner") who will implement the site-based waiting list in the following manner:

- 1) When applicants come to the Occupancy Department to pick up an application for the Public Housing program, he/she/they will be informed of the fact that Curtis Park Homes is a new mixed-income community. They will be told that the mixed-income community is comprised of market rate, tax credit and public housing units that are privately managed. They will be told that if they want to live in this mixed-income community, they must go to the Curtis Park site and place their name on the waiting list. The site-based waiting list will be administered by the Owner. DHA staff will explain that the applicant may also fill out an application for housing in any of DHA's other public housing developments as well.

Each applicant will be provided with full disclosure of any options available in the selection of the development in which to reside including basic information about available sites (location, occupancy, number and size of accessible units, amenities such as day care, security, transportation, and training programs) and an estimate of the period of time the applicant will likely have to wait to be admitted to units of different sizes and types (e.g., regular or accessible) at each site.

- 2) The site-based waiting list shall contain the following information for each applicant listed:

- a) Applicant name;
- b) Family unit size;
- c) Date and time of application;
- d) Qualifications for local preference; and
- e) Racial or ethnic designation of the Head of Household.

- 3) The order of admission to the waiting list will be based on either:

- a) Date and time of application; or
- b) A drawing or other random choice technique (i.e., lottery).

4) Placement on the waiting list will then be prioritized by the local selection preferences for Conventional Public Housing.

5) When the Curtis Park site-based waiting list is opened, DHA will ensure that the Owner gives public notice, by publication in local newspapers of general circulation and also minority media, that families may apply for the housing at the Curtis Park site. The public notice will state when and where to apply. The notice will comply with HUD fair housing requirements. The Owner, with DHA's approval, may adopt criteria defining how families may apply for assistance pursuant to a public notice.

6) As part of its Annual Plan, DBA will ensure that the Owner assesses changes in the racial, ethnic or disability-related tenant composition at the site that may have occurred during the implementation of this site-based waiting list. This required occupancy data shall be based on MTCS data and confirmed by an independent audit.

7) At least every three years DHA will ensure that the Owner uses an independent tester or other means satisfactory to HUD to assure that the system is not being implemented in a discriminatory manner, and that no patterns or practices of discrimination exist. The results of the testing will be submitted to HUD.

8) DHA will ensure that the Owner take any steps necessary to remedy any problems that surface during the review and takes the steps necessary to affirmatively further fair housing.

2.25 Waiting List - Conventional Public Housing

- 1) The waiting list shall contain the following information for each applicant listed:
 - (a) Applicant name;
 - (b) Family unit size;
 - (c) Date and time of application;
 - (d) Qualification for local preference; and
 - (e) Racial or ethnic designation of the Head of Household.
- 2) The order of admission to the waiting list will be based on either:
 - (a) Date and time of application, or
 - (b) A drawing or other random choice technique (i.e., lottery).

- 3) Placement on the waiting list will then be prioritized by the local selection preference for Conventional Public Housing.
- 4) When DHA opens the public housing waiting list, DHA will give public notice, by publication in local newspapers of general circulation and also minority media, that families may apply for the Conventional Public Housing program. The public notice will state when and where to apply. The notice will comply with HUD fair housing requirements and will state any limitations on who may apply. DHA may adopt criteria defining how families may apply for assistance pursuant to a public notice.
- 5) Currently DHA does not maintain a waiting list for the Section 8 program; the Section 8 application process is conducted by a lottery system.

2.26 Section 8 - Lottery System

The Section 8 application process is not a “waiting” list system; it is a “lottery” system. This system was created because previously thousands of people would apply with years between openings, which created crowd problems and a lack of hope.

The Section 8 Lottery pool will be opened once each year. A public notice will be issued in all applicable newspapers advertising the lottery system and lottery pool opening. Lottery cards will be available to the public at various DHA locations. A lottery instruction sheet is attached to each lottery card; instructions are given in three languages (English, Spanish, and Vietnamese). The applicant must pick up a lottery card; complete all information; sign and date it; mail it to DHA; and it must be postmarked and received by the established deadline date. Lottery cards must be mailed to DHA or they will be considered invalid. An incomplete lottery card is also invalid.

A public notice is placed in the newspaper, advertising the date of the drawing. The numbers drawn are posted at each of the various DHA locations where lottery cards had been available. The numbers are drawn randomly by the computer system. Drawings from that pool will be conducted as available certificates and vouchers warrant.

The Occupancy Department will then mail letters to each of the applicants drawn and advise them to pick up an application packet from the Occupancy Department. Deadlines are established for completion and return of the packet. Completed and returned application packets are processed on a “first come first serve basis.”

The Occupancy Department schedules interviews to verify the information and determine eligibility. Once the applicant is approved, he/she becomes a Section 8 participant and is then referred to the Section 8 Department for an orientation.

If there are any persons still in the lottery pool that were not drawn as of December 31st of the year, those lottery tickets are discarded. The lottery system gives the applicant an opportunity to enter the lottery pool each year. For more details refer to the Section 8 Administrative Plan.

2.27 Occupancy Guidelines for Conventional Public Housing and Section 8 Programs

- 1) The following guidelines are used to determine the number of bedrooms required to accommodate a family of a given size without overcrowding or over housing. These guidelines may be waived, on a case by case basis, for legitimate reasons or if it is necessary to achieve or maintain full occupancy.

<u>Number of Bedrooms</u>	<u>Number of Persons</u>	
	<u>Minimum</u>	<u>Maximum</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	5	8
5	7	10

- 2) Dwelling units are assigned to avoid the necessity for persons of the opposite sex, other than Head of Household and spouse, to occupy the same bedroom. If necessary, at the time of admission, two (2) children of the opposite sex under the age of six (6) may be permitted to occupy the same bedroom. At the time of admission, the tenant may elect to have one (1) child under the age of three (3) occupy the parent's bedroom.
- 3) For the purposes of determining the number of bedrooms required, every family member, regardless of age, is counted as a person. In determining bedroom size, DHA will include children who are temporarily away at school, or children who are temporarily in foster-care.

2.28 Assignment of Units/Conventional Public Housing

After an applicant approaches the top of the waiting list each applicant shall be assigned an appropriate size unit or handicap accessible unit, if such unit is necessary. In the event that two or more applicants requiring the same size or handicap accessible unit, (e.g., two working families requiring a three (3)

bedroom unit), the date and time of application will determine which applicant is given the first offer.

In offering available units to elderly families and disabled families in mixed population projects, units with accessible features should first be offered to persons with disabilities who require the accessibility features of the unit in accordance with the requirements of 24 C.F.R. 8.27 and 24 C.F.R. 100.202(c)(3). If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order their names came to the top of the waiting list. Such applicants however, must sign a release form stating they will transfer to another unit, at their own expense, if at a future time, a family requiring a unit with accessible features applies. Any family required to transfer will be given a 30-day notice.

At the time the next applicant in line is selected, he/she shall be offered a suitable unit at the development which contains vacancies of that unit type. If the applicant rejects the first vacancy offered, the applicant shall be offered a suitable unit at the next available location. DHA shall make all such offers in sequence and there must be rejection of a prior offer before the applicant may be offered another location. If the applicant fails to make a decision as to whether he/she wants the unit offered within five (5) working days of the time it was offered, then it will be considered that the applicant has rejected the offer. If the applicant rejects two such offers, his/her name will be placed at the bottom of the waiting list for a period of six (6) months. At the end of the six (6) month period, the applicant will be required to contact the Occupancy Department and declare their continued interest in Conventional Public Housing and update their eligibility. In addition, a new date and time of application will become effective the same date the final offer of a suitable unit was rejected. If the applicant fails to comply, the Occupancy Department will delete the application from the active waiting list.

For purposes of this section, an applicant will not be considered to have been offered a unit if:

- a) The unit offered is not the proper size or does not contain the necessary handicap accessible features.
- b) The applicant is 62 years of age or older and requested a unit in a building designated as "elderly only," but was not offered a unit in an "elderly only" building.
- c) The applicant requires a handicap accessible unit, but was not offered such a unit.

DHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each rejection or acceptance for a reasonable time. DHA will note the reason for any rejection.

However DHA may, in its sole discretion, waive the policy set forth in this section in order to fully occupy the North Lincoln Campus of Learners.

2.29 Assignment of Certificates or Vouchers/Section 8

Each applicant shall be assigned his/her appropriate certificate or voucher in sequence, based upon factors affecting preference, or lottery drawing, and dates of processing. In the event that two or more applicants have the same preference, date and time of processing will determine who is given the certificate or voucher.

2.30 Housing Assistance Limitation for Single Persons/Conventional

Public Housing and Section 8

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided:

- (1) For public housing and other project-based assistance, a housing unit with two or more bedrooms; or
- (2) For tenant-based assistance, housing assistance for which the family unit size as determined by DHA subsidy standard exceeds the one-bedroom level.

This provision shall not apply to the Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals set forth in 24 C.F.R. part 882, subpart H.

2.31 Determination of Total Tenant Payment and Tenant Rent/Conventional Public Housing and Section 8

1) Family Choice (*Public Housing only*):

- a) At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the formula method or having their rent set at the flat rent amount.
- b) Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo. The following flat rents apply to DHA's public housing developments:

Unit Size
Efficiency

Flat Rent
\$ 414

One Bedrooms	\$ 575
Two Bedrooms	\$ 675
Three Bedrooms	\$ 903
Four Bedrooms	\$ 978
Five Bedrooms	\$1,053

- c) Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:
- 1) The family's income has decreased because of changed circumstances; loss or reduction of employment; death of a family member who contributes to the income of the family; and reduction in or loss of earnings or other assistance.
 - 2) The family's circumstances have changed increasing their expenses for child care, medical care, transportation, education or similar items.
 - 3) Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

DHA will immediately switch the family's rental payment from flat rent to income-based rent after verifying the basis for the financial hardship.

2) The Formula Method (*Public Housing only*)

- a) The total payment is equal to the highest of:
 - 1) 10% of monthly income;
 - 2) 30% of adjusted monthly income; or
 - 3) The welfare rent.

The family will pay the greater of the total tenant payment or the minimum rent of \$0.

In the case of a family who has qualified for the income exclusion, upon the expiration of the 12-month period described in section 2.35(h)(1), an additional rent benefit accrues to the family.

3) Minimum Rent (*Public Housing and Section 8*)

- a) DHA has set the minimum rent at \$0 for the Public Housing Program and \$50.00 for the Section 8 Program. The minimum rent for the

Moderate Rehabilitation program is statutorily set at \$25. However, if the family requests a hardship exemption, DHA will immediately suspend the minimum rent for the family until DHA can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- 1) A hardship exists in the following circumstances:
 - i) When the family has lost eligibility for or is waiting an eligibility determination for Federal, State or local assistance program;
 - ii) When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - iii) When the income of the family has decreased because of changed circumstances, including loss of employment;
 - (iv) When the income of the family has decreased because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - (v) When a death has occurred in the family;
 - vi) Other situations as determined in DHA's sole discretion.

4) Minimum Rent Exceptions for Hardship Circumstances

- 1) No hardship. If DHA determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- 2) Temporary hardship. If DHA reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90-days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. DHA will offer a repayment agreement for any rent not paid during the period of suspension. During the suspension period DHA will not evict the family for non-payment of the amount of rent owed for the suspension period. DHA may request reasonable documentation of hardship.
- 3) Long-term hardship. If DHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

For the Public Housing Program, these rent policies are retroactive to October 21, 1998. If a tenant in occupancy has qualified for one of the mandatory hardship exemptions DHA must make arrangements to reimburse the tenant for the

overpayment by providing a cash refund or otherwise offsetting future rent payments.

2.32 Leasing of Units/Conventional Public Housing

- 1) Prior to admission, the lease shall be signed by the Head of the Household and spouse and subsequently executed by a duly authorized representative of DHA. All members of the household over the age of 18 must sign the "Authorization for the Release of Information/Privacy Act" form (HUD 9886 7/94).

For DHC property only: All members of the household over the age of 18 must sign the "Notice and Consent for the Release of Information/Privacy Act" for (HUD 9887 and HUD 9887A 6/95).

- 2) Prior to admission and to signing the lease, a physical inspection of the unit will be made by the prospective tenant and a representative of DHA to note any deficiencies.
- 3) The lease shall remain current at all times and must be in compliance with DHA policies as well as local, state and federal laws and regulations.
- 4) Notices of rent adjustment (or lease change clause), which amend the dwelling lease, shall be signed by a duly authorized representative of DHA and the tenant. However, the rental adjustment shall be effective as stated in the notice even if the notice of rent adjustment or lease change clause is not signed by the tenant.
- 5) Remaining, Family Member: If, for any reason, the signator(s) of the lease cease(s) to be a member of the tenant family, the lease shall be rendered null and void. DHA will review the Remaining Family Member's eligibility for tenancy and has the right to refuse to enter into a lease with the Remaining Family Member who does not meet the applicable eligibility criteria set forth in section 2.3. Remaining Family Members may be required to move to a smaller unit if their current unit is too big once the other family members have vacated.
- 6) Live-In-Aide: A Live-In-Aide is not a member of the tenant's family and does not qualify as a Remaining Family Member. See Section 2.37 for more details.
- 7) If, during any period in which the lease agreement is in effect, there is a change in the tenant's status or rent, which results in the need to amend provisions of the lease, one of the following shall occur:

- (a) The existing lease will be canceled and a new lease executed; or
 - (b) An amendment to the existing lease shall be executed; and
 - (c) All copies of lease amendments shall be signed by a tenant and a duly authorized representative of the DHA and a copy maintained in the tenant file.
- 8) If a tenant family transfers to a different dwelling unit in the same, or another public housing development operated by DHA, the existing lease shall be canceled and a new lease executed by the Head of Household and a DHA representative, for the dwelling unit into which the family is moving.
- 9) A security deposit will be required and shall be payable at the time the lease is signed. The amount of the security deposit will be an amount approved by DHA's Board of Commissioners.
- 10) DHA shall perform a physical inspection of all dwelling units according to established inspection policy and procedures, but no less frequently than once a year. Copies of all inspections shall be maintained in the tenant's file.

2.33 Leasing of Units/Section 8

Refer to the Section 8 Administrative Plan.

2.34 Transfer Criteria/Conventional Public Housing

Tenants will receive priority for transfers, over applicants, for vacancies in all public housing programs. However, the following conditions shall exist before a transfer will be granted:

- Tenant has consistently paid rent on time; and
- Tenant has not been filed for eviction in court during the past twelve (12) months; and
- Tenant has no balance due; and
- Tenant has lived in the present unit for at least twelve months; and
- Tenant has acceptable housekeeping and yard care habits; and
- Tenant has complied with the terms of their lease; and
- Tenant's unit must be in standard condition (no damage or abuse).

Tenants may request a transfer for the following reasons:

- Need a larger unit
- Need a smaller unit
- Verifiable medical necessity/special needs (i.e., need an accessible unit etc.)
- Verifiable life threatening situation (e.g., tenant is an informant who has been threatened or the unit is not habitable because of structural damage)

- Employment, education, or training, is dependent upon the need to be closer to the appropriate location
- Upward mobility transfer applies only to tenants who meet all the other transfer criteria, and have the financial potential to be a participant in DHA's Home Ownership Program.
- HUD regulations require that transfers necessitated because of DHA's relocation efforts, be given priority, (e.g., deprogrammed units, modernization, demolition, changing units to home ownership units). A transfer will be required when a family not needing the features of an accessible unit is residing in such a unit and there is a qualified family in need of the accessible unit.
- Tenants who are eligible to participate in and successfully complete the training program for DHA's Homeownership Program, will be given priority for units designated for that program.

Transfers may be approved for other extraordinary reasons if recommended by Managers and approved by Management Supervisors.

In order to determine the priority set forth above in which transfer requests will be considered, the criteria set forth above are given different numerical weights. Tenants who meet the transfer criteria and are placed on the waiting list must continue to meet the criteria while waiting for the transfer. Failure to maintain the eligibility for a transfer will result in removal of the tenant from the transfer waiting list until they meet the required criteria.

Tenants requesting transfers to buildings designated for "elderly only" must meet the transfer criteria discussed above and must be 62 years of age or older.

A separate transfer waiting list will be maintained for the North Lincoln COL program and selection for participation will be done by lottery. Tenants requesting transfers to the North Lincoln COL must meet the basic transfer criteria and once transferred must meet the program requirements as stated in the North Lincoln COL lease addendum.

Transfers between Conventional Public Housing and buildings owned by DHC will only be approved to accommodate health/special needs. However, the tenant must meet the eligibility criteria for the Section 8 program and the Low Income Housing Tax Credit ("LIHTC") program.

The provisions listed above are to be used as a guide to ensure fair and impartial means of assigning units for transfers. This policy does not create a property right or any other type of right for a tenant to transfer or refuse to transfer.

2.35 Re-Examinations/Re-Determinations/Conventional Public Housing

Annually and at interim periods, as circumstances may require, the tenant will furnish information and certifications to DHA as to family income, employment, and family composition. This information will be used by DHA for determining if the rent should be changed and if the dwelling unit is still appropriate for the tenant's needs. Currently the minimum rent is \$0. However, the minimum rent may be increased as determined by resolution of the Board of Commissioners. For families who pay an income-based rent, a re-determination shall be conducted at least annually.

- 1) Rent is determined at time of move-in and remains in effect for the period between regular rent re-examinations, unless during this period any of the following occur:
 - a) A decrease occurs in gross household income. **All** changes must be reported to DHA within ten (10) days.
 - b) New income source or an increase occurs in gross household income. All changes must be reported to DHA within ten (10) days.
 - c) A change in family composition which shall mean an increase or decrease in the number of household members listed on the lease. Such change must be reported to DHA within ten (10) days of the change.
 - d) Tenant begins to receive public assistance or public assistance is terminated. Such a change must be reported to DHA within ten (10) days of its occurrence. However, a monetary sanction administered by the Department of Social Services, which decreases a tenant's monthly benefits, is not cause for rent re-determination.
 - e) If the amount of welfare is reduced specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement, the public housing rent or Section 8 contribution to rent cannot be reduced based on the benefit reduction. This provision is not applicable if the reduction is neither the result of the expiration of a lifetime time limit on receiving benefits nor a situation where the family has complied with welfare program benefits but cannot obtain employment.

When DHA receives a request for income re-examination and rent reduction predicated on a reduction in tenant income from welfare, it may deny the request only after having written verification from the

welfare agency that the family's benefits have been reduced because of non-compliance with economic self-sufficiency program or work activity requirement or because of fraud.

- f) Discovery that the tenant has misrepresented the facts upon which the rent is based, and the tenant is paying less than they should have been charged. In this case, the increase in rent shall apply retroactively. Repayment arrangements may be made in accordance with DHA policy. Repayment arrangements must be made with DHA or the lease may be terminated. Additionally, failure to make payments on the repayment agreement in a timely fashion will be cause to terminate the lease. If tenant intentionally misrepresents facts upon which rent is calculated a second time, it will be cause to terminate the lease.
- g) If, at the time of admission or re-examination, due to unusual circumstances, projected annual income cannot be determined with any reasonable degree of accuracy, a temporary rent for a specified period not to exceed ninety (90) days may be established. At the expiration of the specified period, the income becomes stable, a new rent will be established. DHA will continue to conduct periodic reviews as often as necessary to determine the rent.
- h)
 - 1) Beginning October 1, 1999, DHA must not increase the annual income of an eligible family as a result of increased income due to employment during the 12-month period beginning on the date on which the employment is commenced. Eligible families are those that reside in public housing:
 - (a) Whose income increases as a result of employment of a family member who was previously unemployed for one or more years. For purposes of this section, "previously unemployed" includes a person who has earned, in the previous twelve months, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.
 - (b) Whose employment income increases during the participation of a family member in any family self-sufficiency or other job training; or
 - (c) Who is or was, within 6 months, assisted under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by DHA in consultation with the local TANF agency, and whose earned income increases.

- 2) Phase-in of rent increases. Upon expiration of the 12-month period described above, the rent payable by a family may be increased due to continued employment of a family member except that for the 12-month period following expiration of the 12-month disallowance, the increase may not be greater than 50 percent (50%) of the amount of the total rent increase.
 - 3) Families who currently have an 18-month disregard or who qualify for such disregard on or before September 30, 1999 can continue that disregard as long as they would have qualified under the old rule.
 - 4) Each year at the time of the annual re-examination, the family has the option of selecting a flat rent amount in lieu of completing the re-examination process and having their rent based on the formula amount. Families paying flat rent shall have income reviews not less than once every three years.
 - 5) In the case of an interim re-determination, and the rent decreases, the adjustment will become effective the first day of the month following the re-determination. In the event of rent increase, the adjustment will take effect the first day of the second month following the re-determination, unless the rent increase results from finding of intentional misrepresentation under subsection 1(e) of this section.
 - 6) Changes in rent resulting from a scheduled re-examination will become effective on the anniversary date of the tenant's admission to Conventional Public Housing.
- i) An interim re-examination will not be required if an increase in income does not exceed \$200.00 per month. If the increase in income is greater than \$200.00 per month, an interim re-examination must be processed and the effective date of the increase will be the first of the second month following notification.
 - j) In the case of an interim re-determination, and the rent decreases, the adjustment will become effective the first day of the month following the re-determination. In the event of rent increase, the adjustment will take effect the first day of the second month following the re-determination, unless the rent increase results from finding of intentional misrepresentation under subsection 1(e) of this section.
 - k) Changes in rent resulting from a scheduled re-examination will become effective on the anniversary date of the tenant's admission to Conventional Public Housing.

2.36 Re-Examination/Re-Determination/Section 8

Refer to the Section 8 Administrative Plan.

2.37 Addition of Household Member or Live-In-Aide to Lease/Public Housing

In order to add a Live-In-Aide or a household member, other than through birth or adoption, the family must request that the new member or Live-In-Aide be added to the lease. Before adding the new member or Live-In-Aide to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their social security number, if they have one and must verify their citizenship/eligible non-citizen status. Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.

A new family member will be required to go through the screening process similar to the process for applicants. DHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal hearing or review. If they are found to be eligible and meet the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member.

A Live-In-Aide is not a member of the tenant's family, as defined in Section 1.22 of this policy or federal regulations; before adding a Live-In-Aide to the lease, the tenant will have to provide documentation that he/she is disabled, elderly or near-elderly and the Live-In-Aide is a medical requirement. The Live-In-Aide is not required to meet all Conventional Public Housing eligibility requirements such as, by way of example and not limitation, income eligibility. However the Live-In-Aide must provide a CBI Record Report which may affect his/her eligibility to become a Live-In-Aide. Prior to being added to the lease the Live-In-Aide and tenant must complete the Live-In-Aide Acknowledgment. Live-In-Aide's income is not included in the family's income. When the individual needing the support services leaves the unit or fails to qualify for continued occupancy, the Live-In-Aide can no longer live in the unit and has no right to continued occupancy as a Remaining Family Member.

2.38 Addition of Household Member or Live-In-Aide to HAP Contract/Section 8

Refer to the Section 8 Administration Plan.

2.39 Misrepresentations/Conventional Public Housing and Section 8

The tenant/Section 8 participant will be notified, in writing, of any misrepresentations or lease violations discovered during the re-examination, rent review, or other occurrences. The applicant, tenant or Section 8 participant certifies that accurate information has been provided regarding family composition, income, net family assets, allowances and deductions. Any misrepresentation is a violation of Federal regulations and shall result in lease termination, termination of Section 8 assistance and/or punishment under Federal law.

2.40 North Lincoln Campus of Learners

HUD has designated North Lincoln Park Homes ("North Lincoln") as a Campus of Learners ("COL"). North Lincoln COL is designed to facilitate the process of self development through education and development of employment and technological skills by creating an environment where tenants live, learn and move out of the North Lincoln COL to other public housing, dispersed housing or alternative housing, depending upon availability.

Tenants of North Lincoln COL must sign a lease addendum which is an education contract whereby the tenants and all members of the household agree to enroll in and successfully complete their individualized education development plan and/or employment development plan and to work as a condition of living on the campus.

2.41 Denver Housing Corporation

The Denver Housing Corporation (“DHC”) is a non profit corporation which is a general partner in a limited partnership that owns Mountain View, Eliot Elderly, Syracuse Plaza, Casa Loma, Dispersed New Construction, Dispersed Rehabilitation, Goldsmith Village and Pacific Place. DHA manages these properties for the limited partnership which are subsidized by Section 8 Assisted New Construction. These properties are also part of the LIHTC program. Consequently, applicants or participants must meet the eligibility requirements of both the Section 8 program and the LIHTC program. Some other differences include, by way of example and not limitation: (1) a single individual must be 62 years of age or older, or disabled to qualify to live at these properties; and, (2) tenants cannot participate in Conventional Public Housing programs including, but not limited to, First Step and Family Self-Sufficiency.

2.42 Designated Housing for Elderly Only

In accordance with 24 C.F.R. Part 945, HUD approved the designation of the following buildings for occupancy by the elderly only: Barney Ford, Walsh Manor, and the North Lincoln Park Homes Midrise. In the future any other properties designated as “elderly only” by HUD shall, upon passage of Board resolution, automatically be incorporated into this Policy. Applicants must be 62 years of age or older to be eligible to live in these designated buildings.

2.43 Pet Ownership

DHA has established a pet policy for tenants living in high-rise buildings and a service animal/companion animal policy for persons with disabilities. These policies are available for review from the building manager.

Consistent with 24 C.F.R. §5.312(b), DHA will provide appropriate notice to each applicant, when he/she is offered a dwelling unit in a building designated for “elderly only” or persons with disabilities stating that: 1) tenants are permitted to own and keep common household pets in their dwelling units, in accordance with the pet policy; 2) animals that are used to assist persons with disabilities are excluded from the requirement of the pet policy; and 3) tenants may at any time request a copy of the current pet policy.

2.44 Order of Precedence

This Admissions and Occupancy Terms and Policies defines DHA’s policies for the Public Housing Program and Section 8 Program, incorporating Federal, state and local law. If there is any conflict between this Policy and Federal law or HUD regulations, the laws and regulations shall prevail. If there is any conflict between this Policy and the dwelling lease or the grievance procedure, the dwelling lease or the grievance procedure shall prevail.

2.45 Paragraph Headings

The captions and headings set forth herein are for convenience of reference only, and shall not be construed so as to define or limit the terms and provisions hereof.

Addendum 1

Working Family Income Tier Ranges for Admission to Conventional Public Housing

<u>Family Size</u>	<u>Tier I</u>	<u>Tier II*</u>
1	\$10,001 - \$20,500	\$20,501 - \$32,800
2	\$11,001 - \$23,450	\$23,451 - \$37,500
3	\$12,001 - \$26,350	\$26,351 - \$42,200
4	\$13,001 - \$29,300	\$29,301 - \$46,900
5	\$14,001 - \$31,650	\$31,651 - \$50,650
6	\$15,001 - \$34,000	\$34,001 - \$54,400
7	\$16,001 - \$36,350	\$36,351 - \$58,150
8	\$17,001 - \$38,700	\$38,701 - \$61,900

*Upper income range indicates admission limits.

Annual Statement/Performance and Evaluation Report
Comprehensive Grant Program (CGP) **Part I: Summary**

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157

Housing Authority of The City and County of Denver

Comprehensive Grant Number: **709**

FFY of Grant Approval: **2000**

Original Annual Statement

Reserve for Disasters/Emergencies

Revised Annual Statement Number

Final Performance and Evaluation Report

Performance and Evaluation Report for Program year Ending

Line Number	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Obligated	Expended	Obligated	Expended
1	Total Non-CGP Funds				
2	1406 Operations	\$758,000			
3	1408 Management Improvements	\$720,000			
4	1410 Administration	\$758,000			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$292,000			
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	\$2,846,454			
11	1465.1 Dwelling Equipment-Nonexpend				
12	1470 Nondwelling Structures	\$1,500,000			
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1495.1 Relocation Costs	\$100,000			
17	1498 Mod Used for Development				
18	1502 Contingency	\$606,474			
19	Amount of Annual Grant (Sum 2-18)	\$7,580,928			
20	Amount of Line 19 Related to LBP Activities				
21	Amount of Line 19 Related to 504 Compliance	\$15,000			
22	Amount of Line 19 Related to Security				
23	Amount of Line 19 Related to Energy Measures	\$1,148,000			

Signature of Executive Director & Date:

X

Signature of Public Housing Director & Date:

X

1 To be completed for the Performance and Evaluation Report or a Revised Statement

form HUD-52837

2 To be completed for the Performance and Evaluation Report

ref Handbook 7485.3

Annual Statement /
Performance and Evaluation Report
Part II: Supporting Pages
Comprehensive Grant Program (CAP)

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Revised June 9,1999
FUND 709 (HUD)
930 (DHA)

Development Number/Name HA-Wide Act's	General Description of Major Work Categories	Development Account Number	Quantity	Estimated Cost		Total Actual Cost		Status of Proposed Work
				Original	Revised 1	Funds Obligated 2	Funds Expended 2	
CO 1-17 Mulroy	Replace Windows	1470	1	\$350,000				
	Replace Trash Compactor			\$25,000				
	Replace Roofs			\$250,000				
	Enclose Fire Escapes			\$45,000				
	Sprinkler Building			\$325,000				
	Replace Boilers			\$75,000				
	Air Condition Building			\$286,000				
	Replace Fire Enunciator			\$144,000				
CO 1-17 Mulroy	SUBTOTAL			\$1,500,000				
CO 1-39 Dispersed	Replace Roofs	1460	45	\$126,000				
	Replace Siding			\$275,625				
	Remodel Kitchen			\$491,158				
	Remodel Bathroom			\$228,375				
	Replace Vinyl Flooring			\$32,375				
	Replace Carpeting			\$102,375				
	Replace Refrigerator, Range, and Hood			\$57,546				
CO 1-39	SUBTOTAL			\$1,313,454				
CO 1-41 Dispersed	Replace Roofs	1460	24	\$62,592				
	Replace Siding			\$134,400				
	Remodel Kitchen			\$162,000				
	Remodel Bathroom			\$82,800				
	Replace Vinyl Flooring			\$48,000				
	Replace Carpeting			\$57,600				
	Replace Refrigerator, Range, and Hood			\$72,608				
CO 1-41	SUBTOTAL			\$620,000				

1/ To be completed for the Performance and Evaluation of a Revised Statement

2/ To be completed for the Performance and Evaluation Report

Construct Management/HUD/Perf&Eval/1998-708-929 wwt.XLS

form HUD-52837

Comprehensive Grant Program (CAP)

Development Number/Name HA-Wide Act's	General Description of Major Work Categories	Development Account Number	Quantity	Estimated Cost		Total Actual Cost		Status of Proposed Work
				Original	Revised 1	Funds Obligated 2	Funds Expended 2	
CO 1-43 Dispersed	Replace Roofs	1460	34	\$96,600				
	Install Steel Siding			\$178,500				
	Remodel Kitchen			\$274,500				
	Remodel Bathroom			\$147,300				
	Replace Vinyl Flooring			\$25,500				
	Replace Carpeting			\$81,600				
	Replace Refrigerator, Range, And Hood			\$109,000				
CO 1-43	SUBTOTAL			\$913,000				
Operations 1406	10% Limit			\$758,000				
Operations 1406	SUBTOTAL			\$758,000				
Management Improvement 1408	Resident Training	1408		\$10,000				
	Resident Leadership			\$40,000				
	Employment and Training			\$45,000				
	Section 3 outreach			\$15,000				
	Child Care			\$6,000				
	Resident Owned Business			\$6,000				
	Bi-Lingual Services			\$5,000				
	Communication			\$3,000				
	Self Sufficiency			\$50,000				
	System Automation			\$20,000				
	PHAS			\$50,000				
	Quality Control			\$20,000				
	Software			\$80,000				
	Security			\$370,000				
Improvements 1408	SUBTOTAL			\$720,000				

1/ To be completed for the Performance and Evaluation of a Revised Statement

2/ To be completed for the Performance and Evaluation Report

Construct Management/HUD/Perf&Eval/1998-708-929 wwt.XLS

form HUD-52837

Annual Statement / Performance and Evaluation Report Part II: Supporting Pages Comprehensive Grant Program (CAP)

**U.S. Department of Housing
and Urban Development**
Office of Public and Indian Housing

Revised June 9,1999
**FUND 709 (HUD)
930 (DHA)**

Development		Development			Total Actual Cost
-------------	--	-------------	--	--	-------------------

Number/Name HA-Wide Act's	General Description of Major Work Categories	Account Number	Quantity	Estimated Cost		Funds Obligated 2	Funds Expended 2	Status of Proposed Work
				Original	Revised 1			
Administration 1410	a. Salaries of Modernization staff, Administration, Clerks, Coordination	1410		\$758,000				
	b. Fringe benefits			\$0				
	Administration 1410			\$758,000				
Audit 1411	Comp Grant Program	1411		\$0				
Audit 1411	SUBTOTAL			\$0				
Fees And Costs 1430	A&E Services For:	1430		\$292,000				
Fees 1430	SUBTOTAL			\$292,000				
Relocation 1495	Relocation at Dispersed 39, 41, 43, and Administration Office	1495		\$100,000				
Relocation 1495	SUBTOTAL			\$100,000				
Contingency 1502	May Not Exceed 8%	1502		\$606,474				
Contingency 1502	SUBTOTAL			\$606,474				
2000 Grand Total								
				\$7,580,928				

Signature of Executive Director & Date:	Signature of Public Housing Director & Date:
X	X

1/ To be completed for the Performance and Evaluation of a Revised Statement

2/ To be completed for the Performance and Evaluation Report

Construct Management/HUD/Perf&Eval/1998-708-929 wwt.XLS

form HUD-52837

Annual Statement/Performance and Evaluation Report
Comprehensive Grant Program (CGP) **PART III Implementation Schedule**

U.S. Department of Housing
and Urban Development

FUND 709
930 DHA

Development Number/Name HA-Wide Activities	All funds Obligated 12/31/01			All Funds Expended 06/30/03			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
CO 1-17 Mulroy Apartments	12/31/01			6/30/03			
CO 1-39 Dispersed Housing	12/31/01			6/30/03			
CO 1-41 Dispersed Housing	12/31/01			6/30/03			
CO 1-43 Dispersed Housing	12/31/01			6/30/03			

Signature of Executive Director and Date

X

1. To be Completed for the Performance and Evaluation Report of a Revised Annual Statement
2. To be Completed for the Performance and Evaluation Report of a Revised Annual Statement

form HUD-52837

**ADMINISTRATIVE PLAN
OF
THE HOUSING AUTHORITY OF THE CITY AND
COUNTY OF DENVER, COLORADO**

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GENERAL PROVISIONS

PURPOSE AND OBJECTIVE

The Section 8 Administrative Plan (the Plan) serves several purposes:

1. Establishes the Denver Housing Authority (“DHA”) policies for program implementation and administration.
2. Sets forth DHA's interpretation of any Department of Housing and Urban Development (“HUD”) rules which are open to interpretation.
3. Defines DHA's policies and procedures in areas where HUD rules are silent.
4. Assures consistent program operation.
5. Assures non-discrimination against families due to arbitrary decision making.
6. Supports DHA's position when legal challenges occur.
7. Provides procedural guidance and direction to staff.
8. Is the document from which DHA derives its local legal authority.

The DHA Administrative Plan covers administration of the Section 8 Certificate Program, Section 8 Housing Voucher Program, Housing Choice Voucher Program, Section 8 Moderate Rehabilitation Program, and the Section 8 Project Based Assistance Program. This Plan also covers administration of HUD Special Admission Programs, as well as the administration of the programs from the point of application to cancellation. The Plan governs administration of the programs in accordance with the HUD regulations.

The objective of the Section 8 Programs is to provide rental housing assistance to extremely low-income families, very low-income families, and low-income families (where applicable) so they can obtain affordable, safe, decent, sanitary housing,

residing in or wishing to reside in, the Denver community.

HOUSING AUTHORITY JURISDICTION

DHA's jurisdiction is the City and County of Denver. This jurisdiction also includes any other area by which DHA has entered into an inter-governmental agreement with that area.

UNUSUAL CIRCUMSTANCES

There may be circumstances which arise that do not fall under the provisions stated in this Plan. Those circumstances will be reviewed on a case by case basis. Appropriate actions will be taken as warranted. These actions will be documented by the Chief Operating Officer – Section 8/Client Services.

CONFLICT

In the event a conflict arises between or among the regulations identified in the “References” section listed above, the regulations specifically promulgated for the applicable project/program will take precedence. Additionally, in the event HUD regulations change the implementation of the Section 8 Programs governed by this document, the HUD regulatory changes will take precedence over the provisions of this Plan.

504 COORDINATOR

The 504 Coordinator is located at 1100 W. Colfax Avenue, P. O. Box 40305, Denver, Colorado 80204, (303) 534-0821, Fax (303) 825-2969, TDD (303) 825-5754.

The Client Orientation Packet, Moving Packet, Re-Examination Packet, and Re-Determination Packet will contain the aforementioned information regarding the 504 Coordinator.

HOUSING PROGRAMS AVAILABLE

1. Housing Choice Voucher Program
2. Moderate Rehabilitation Program
3. Project Based Assistance Program

4. Certificate Program (phasing out effective October 1, 1999)
5. Voucher Program (phasing out effective October 1, 1999)

ELIGIBLE TYPES OF HOUSING

Single family dwellings, duplex, triplex, fourplex, row-type housing, multi-unit complexes, apartments, condominiums, town homes, mobile homes, and manufactured homes. Hotels, motels, nursing homes, college or school dormitories, other types disallowed by HUD regulations, or a unit occupied by its owner or by a person with any interest in the dwelling unit are not eligible types of housing.

SPECIAL HOUSING TYPES

At DHA's discretion, DHA may allow a family to use any of the following special housing types in accordance with the regulations of the program: single room occupancy housing, congregate housing, group home, shared housing, or cooperative housing. DHA will follow HUD regulations regarding clients residing in these special housing types.

DHA OWNED UNITS

If a family leases a unit owned by DHA, DHA will provide an outside entity to conduct HQS inspections, rent determinations, and rent reasonableness. DHA will follow HUD regulations regarding DHA-owned housing.

MANUFACTURED HOUSING

A family may reside in a manufactured home with assistance under the program. DHA will follow HUD regulations regarding clients residing in manufactured homes.

RECORD MAINTENANCE

Participant files will be maintained for the following time frames:

1. Past participants leaving with no balance owed DHA: 3 years.

2. Past participants leaving with a balance owed DHA: indefinitely until balance is cleared.

PROGRAM ADMISSION

DHA may admit an applicant to the program either:

1. As a HUD Special Admission, or
2. As a lottery admission.

SPECIAL ADMISSION

A Special Admission is admission of an applicant that is not in the DHA Section 8 lottery pool, or without considering the applicant's position in the lottery pool. Special admission is used only when HUD awards program funding targeted for families living in specified units.

1. DHA must use the assistance for the families living in targeted units.
2. DHA may admit a family that is not in the DHA lottery pool, or without considering the family's lottery pool position. DHA will maintain records indicating that the family was admitted with HUD-targeted assistance.

NEW ADMISSIONS

75 percent of new admissions to the Housing Choice Voucher Program will be at or below 30 percent of the area median income.

Conversion of assistance for a family in the Certificate Program to the Voucher Program does not count as a “new admission.”

SECTION 8 LOTTERY POOL

The Section 8 Program utilizes a lottery pool for admissions to the Program.

1. The Section 8 lottery pool will contain the following information for each applicant listed:

- (A) Applicant name.
 - (B) Family unit size.
 - (C) Date and time of application.
 - (D) Qualification for any local preference.
 - (E) Racial or ethnic designation of the head of household.
2. The order of admission from the lottery pool will be based on a random drawing or other random choice technique (lottery).
3. Placement in the lottery pool will then be prioritized by:
- (A) Local Preference.
 - (B) Special Admission.
 - (C) Regular Applicants.
4. The lottery pool will be opened annually. The lottery pool will be open for two days. At DHA's discretion, the opening may be for a period of more than two days.

When DHA opens the Section 8 lottery process, DHA will issue public notice that families may apply for tenant-based (Section 8) assistance. The public notice will state the date the lottery pool will open, when and where to apply, the date the lottery pool will close, and the targeted group of the opening (if applicable).

DHA will issue the public notice by publication in local newspapers of general circulation and also minority media. The notice will comply with the Equal Opportunity plan and with HUD Fair Housing requirements.

The public notice will state any limitations on who may apply for available slots in the program.

DHA may adopt criteria defining what families may apply for assistance under a public notice.

5. As applicants are needed for the Section 8 Program, random drawings will occur from the lottery pool. DHA will determine the number drawn, based on need. Drawings will be advertised via public notice. Drawn numbers will be posted at all lottery pool sites.

SPECIAL ADMISSION PROGRAM

Single Room Occupancy Program

The Colburn Hotel Single Room Occupancy (“SRO”) is a HUD approved program that provides housing to homeless individuals. The Colburn Hotel is an 88 unit single room occupancy facility operated through the Moderate Rehabilitation Program.

First priority for units will be given to those individuals who are currently homeless. Since the Section 8 application process is a lottery system, applicants will be referred by the Colburn Hotel Management. They will maintain a waiting list of applicants who must meet eligibility criteria for Section 8 housing in accordance with Federal Regulations, 24 CFR 882.514 and 882.808.

The Colburn Hotel Management will conduct initial determination of Section 8 housing eligibility. They will then forward the application to the DHA Occupancy Department for final determination and approval. Applicants will not be housed until this final approval is received.

If the individual is not eligible for any reason, the Colburn Management will be notified of the same in writing.

Once the individual is determined eligible for DHA housing, the application will be sent to the Section 8 office. The individual will then become a participant in the Program in accordance with program regulations.

Section 8 Clients participating in this Special Admission program must comply with the same Family Obligations as all Section 8 Clients.

Program Outreach:

The Colburn Hotel will conduct outreach for client referrals through contact with several appropriate organizations. Those will include emergency and transitional shelters, mental health clinics, and alcohol/drug program clinics.

Supportive Services:

Supportive services available to the clients will include case management from the various agencies that referred the client including, but not limited to, alcohol and drug abuse services, mental health services, and AIDS-related services. Information regarding employment/training and education will also be made available. Monthly tenant meetings will allow for tenant input and participation in how management

operates the Hotel and for sharing of information. The Colburn Hotel Management will furnish DHA with minutes from the monthly meetings and Annual Progress Reports so that DHA can monitor these services.

LOCAL PREFERENCES

After October 1, 1999, all local preference clients will be issued vouchers. After October 1, 1999, current local preference clients may be eligible for vouchers, based solely on the Housing Authority's determination.

According to each Memorandum of Understanding, DHA may limit the number of applicants that may qualify for any local preference. A special admission is not counted against the local preference limit. The local preference limit does not apply when an applicant is received in the DHA program under portability procedures.

The following Local Preferences are administered by DHA and are listed in order of preference:

1. **DHA Displacement and Relocation Program**

The following policy applies in instances where DHA requires current DHA or Denver Housing Corporation ("DHC") residents to relocate due to a major reconstruction, demolition, or for any other reason.

All affected residents must be pre-approved for the Section 8 Program, by the Occupancy Department, before a certificate or voucher will be issued. Applicants will be issued a voucher/certificate through regular procedures, as specified in the DHA Admissions and Occupancy Terms and Policies and the Plan. All HUD regulations and DHA Section 8 procedures will apply to affected residents who become Section 8 clients.

When DHA receives a special purpose allocation for Public Housing Demolition or Disposition, DHA will offer the families the form of assistance DHA was allocated. The families must submit an application to DHA for the Section 8 Program, and must be eligible to participate in the Section 8 Program. The family cannot choose the form of assistance. If a family refuses the housing voucher/certificate, the family will be canceled and removed from the lottery pool.

Where appropriate and available, Section 8 certificates and vouchers will be utilized for the DHA Designated Housing Plan.

2. Colorado Health Network Program

The Colorado Health Network (“CHN”), in conjunction with private developers, provides case management and special needs housing to persons disabled by the Human Immunodeficiency Virus (HIV) and/or Acquired Immunodeficiency Syndrome (“AIDS”). In order to meet the special needs of this group in the Denver community, DHA will provide a maximum of thirty certificates to participants under case management by CHN for this specific special need. The number of certificates may vary depending upon ACC re-configurations due to changes in family composition requiring different bedroom sizes. The DHA local preference will be applied to those individuals who qualify pursuant to CHN’s definition of disabled specifically with HIV and/or AIDS, and who are participants in their case management. Applicants will be issued a certificate/voucher through regular procedures, as specified in the DHA Admissions and Occupancy Terms and Policies and the Section 8 Administrative Plan.

Section 8 Clients participating in this special needs program must comply with the same Family Obligations as all Section 8 Clients.

3. Division of Family Employment Resources

The Division of Family Employment Resources (“DFER”) is a program administered by the Denver Department of Human Services (“DDHS”). The program identifies, counsels, and provides case management for families eligible for participation in self sufficiency programs. DHA will provide fifty Section 8 certificates to DDHS for use with the DFER Program. The number of certificates may vary depending upon ACC re-configurations due to changes in family composition requiring different bedroom sizes. Applicants will be issued a certificate/voucher through regular procedures, as specified in the DHA Admissions and Occupancy Terms and Policies and the Section 8 Administrative Plan.

Section 8 Clients participating in this program are held to the same Family Obligations as all Section 8 Clients.

4. Atlantis Program

The Atlantis Corporation provides special needs housing to disabled persons. In order to meet the special needs of the disabled in the Denver community, DHA will provide a maximum of seven certificates to Atlantis for the disabled housing program at any given time. The number of certificates may vary depending upon ACC re-configurations due to changes in family composition requiring different bedroom

sizes. Applicants will be issued a certificate through regular procedures, as specified in the DHA Admissions and Occupancy Terms and Policies and the Section 8 Administrative Plan.

Section 8 Clients participating in this program must comply with the same Family Obligations as all Section 8 Clients.

5. Chronically Mentally Ill Program Administered by the City and County of Denver Planning Department - Housing Division

The City and County of Denver Planning Department Housing Division (PDHD), in conjunction with Mental Health Corporation of Denver (MHCD) provides case management and special needs housing to persons disabled by Chronic Mental Illness. In order to meet the special needs of this group in the Denver community, and to assist the City and County of Denver in resolution of the Goebel lawsuit, DHA will provide a maximum of 100 certificates to participants in this special needs group and who participate in case management by agencies associated with the City and County of Denver Planning Department Housing Division. The number of certificates may vary depending upon ACC re-configurations due to changes in family composition requiring different bedroom sizes. Applicants will be issued a certificate through regular procedures, as specified in the DHA Admissions and Occupancy Terms and Policies and the Section 8 Administrative Plan.

Section 8 Clients participating in this program must comply with the same Family Obligations as all Section 8 Clients.

6. Colorado Coalition for the Homeless Families Program:

The Colorado Coalition for the Homeless (“CCH”) provides housing with health care and supportive services to multi-problem homeless families. DHA will provide a maximum of 56 certificates to CCH for this homeless families housing program at any given time. The number of certificates may vary depending upon ACC re-configurations due to changes in family composition requiring different bedroom sizes. Applicants will be issued a certificate through regular procedures, as specified in the DHA Admissions and Occupancy Terms and Policies and the Section 8 Administrative Plan.

Section 8 Clients participating in this special needs program must comply with the same Family Obligations as all Section 8 Clients.

ADMISSION DATE

Admission to the Section 8 Tenant Based, Moderate Rehabilitation and Project Based Assistance programs is the effective date the first Housing Assistance Payments (“HAP”) contract is executed which must be the same date of the first lease that is executed by DHA on behalf of the family.

PARTICIPANT

A participant in the Section 8 Tenant Based, Moderate Rehabilitation and Project Based Assistance programs is a family that has been admitted to DHA’s program via an executed HAP contract and lease. The family becomes a participant on the effective date of the first HAP contract executed by DHA for the family (first day of the initial lease term).

RENT REASONABLENESS

Rent comparability to similar unassisted units within the same market area will be implemented for all units under the certificate and voucher programs, at the time of initial lease up and upon subsequent requests for a rent increase. DHA will consider the location, quality, size, unit type, age, amenities, housing services, maintenance and utilities. DHA will disapprove any Request for Lease Approval (“RFLA”) for which it determines the rents are not supported by market comparables given due consideration to location and the housing amenities offered. If an owner contests DHA's Rent Reasonableness, the owner may submit written documentation to support his/her contention. Written documentation includes: appraisals, rent roll of owner's comparable units, rent roll of similar units in similar area. A final determination will then be made by the Section 8 Inspector Supervisor.

UTILITY ALLOWANCE SCHEDULE

DHA will maintain a schedule of utilities in accordance with HUD regulations to be used in the determination of housing assistance payments to owners. The utility allowance schedule will be evaluated annually, using data compiled by the Public Service Company of Colorado (PSC).

Utility Reimbursement Payment checks will be mailed to those clients whose utility allowance is greater than the Tenant Rent. The Utility Allowance Payment (“UAP”) checks will be issued in the name of both the client and PSC.

DHA will use the appropriate utility allowance for the size of the dwelling unit actually leased by the family. On request from a family that includes a person with disabilities, DHA will approve a higher utility allowance than the amount on the Utility Allowance Schedule, if a higher utility allowance is needed as a reasonable accommodation.

PAYMENT STANDARDS REVIEW

The Housing Voucher payment standard schedule will be reviewed annually. The schedule amounts will fall within the range of 90 to 110 percent of the HUD Existing Program Fair Market Rents ("FMR").

The payment standard for the family will be the lower of:

- 1) The payment standard for the family unit size, or
- 2) The payment standard for the unit size rented by the family.

SUBSIDY STANDARDS

Subsidy standards are published in the DHA Admissions and Occupancy Terms and Policies. Exceptions to these standards will be granted on a case by case basis, based on reasonable accommodation for disability, health, medical, or elderly reasons, solely at the discretion of DHA.

ADMINISTRATIVE FEE RESERVE

DHA must obtain Board of Commissioners approval for any use of the Administrative Fee Reserve.

CLIENT PROVISIONS

PRIVACY RIGHTS

Client information is confidential. Current and forwarding address information, and family members claimed in the household will be released to Police Officials upon official verification of request.

At time of application, and at time of each change of family status, each client will sign a Privacy Statement, acknowledging that all family status information is released to HUD, and that this information is shared with other governmental agencies.

PREVIOUS VIOLATION OF A FAMILY OBLIGATION

A client who has been canceled from the Section 8 Program for a violation of a Family Obligation, cannot re-apply to the Section 8 program for a period of one year, provided the Section 8 Lottery Pool is open at that time. This one-year will allow the family to establish references in relation to the Family Obligation violation and allow DHA to determine if such a violation is likely to occur in the future. If the violator of the Family Obligation is no longer part of the household, the family may not be required to wait the one year period before re-application, provided the Section 8 lottery pool is open. Documentation must be provided by the family to verify that the violator is no longer part of the household, and will not be a member of the household. Allowable documentation includes, but is not limited to: proof of residence - i.e. utility, service bills, lease, etc.; and court documents.

OUTSTANDING AMOUNTS DUE OTHER PHAs

If an applicant owes an outstanding balance to another PHA, the applicant will not be admitted to the Section 8 Program until the balance is cleared. If a client is already receiving Section 8 subsidy from DHA and it is discovered that the client owes another PHA an outstanding balance, the client must enter into a repayment agreement with the other PHA, and remain current on the repayment agreement, or he/she may be canceled from the program.

FAMILY ORIENTATION AND ISSUANCE OF CERTIFICATE/VOUCHER

Each applicant shall be assigned his or her appropriate certificate or voucher in sequence, based upon preference, or lottery drawing, and date of receipt of complete application. In the event that two or more applicants have the same preference, date of receipt of completed application will determine who is given the certificate or voucher first.

Identification is required of all household members, photo identification is required for all family members over the age of eighteen (18). Acceptable identification includes: social security card, birth certificate, drivers license, city identification card, and/or state identification card.

Families will be briefed in accordance with the HUD regulations regarding the provisions of the Section 8 Program.

The head of household and any other adult family member is required to attend the family orientation. If an applicant misses a scheduled orientation appointment, without prior notification to the Section 8 office, the applicant will be canceled. If an applicant misses two scheduled orientation appointments, even if they have given prior notification to the Section 8 Office, they will be canceled. Exceptions to the above include: reasonable accommodation, death, serious illness, and natural disasters. Exceptions must be supported by written verification of incident, and approved by the Chief Operating Officer or her designee. A canceled applicant may re-apply for housing assistance if the Section 8 Lottery pool is open.

DHA will provide a landlord/owner listing in the Orientation Packet and the Section 8 Office, maintains a listing of available units in the Denver area who will accept Section 8 participants. Each client's Orientation Packet also contains a referral guide to various local agencies. The Section 8 Department will also maintain a listing of handicapped accessible units for those clients requesting information on accessible units. The Section 8 Department will take appropriate steps to assure effective communication with disabled applicants and participants. In the event a Section 8 client has a special need or requires a reasonable accommodation, the client will be referred to DHA 504 Coordinator, see page 2.

DHA encourages clients to seek units in non-poverty areas. DHA will explain during orientation the advantages of searching for a unit in a non-poverty area. A map is provided to each family showing these areas.

At the conclusion of all Program Orientation Sessions, the family representative will be required to sign and date the "Orientation Certificate" to confirm that all rules and pertinent regulations were explained to them.

TERM OF CERTIFICATE/VOUCHER – EXTENSIONS AND RE-ISSUES

The initial term of the voucher is 60 days. Upon request of the client, a voucher may be extended for two 30-day periods. Extensions up to the 120 days may be granted for a legitimate and documented reason. At the end of the 120-day period, further extensions will not be granted.

However, the family may submit a written request for re-issuance of their voucher after the initial 120 days has expired. The family must provide supporting documentation to justify the request. Re-issues are approved by the Program Manager. Re-issues will only be approved when the client can document that they have been actively searching for a unit, as evidenced by submitted Request for Lease Approval ("RFLA"), etc. Re-issues may also be approved as a reasonable accommodation for disabled, elderly, and medical reasons. A certificate or voucher will only be re-issued once. DHA will not grant suspensions of the certificate or voucher term.

ISSUANCE OF NEW VOUCHERS WHEN A CLIENT MOVES

If a client submits a Moving Notice to relocate to a new unit, the client will be issued a new voucher to allow them 60 days to find a new unit. The voucher number will remain the same, unless the bedroom size is changing. Extensions and re-issues will apply as stated above.

SHOPPING INCENTIVE/TENANT PAYMENT

There is no shopping incentive for a family that rents a unit below the payment standard.

A family renting a unit below the payment standard pays as gross rent the highest of: 30 percent of the area median income, or 10 percent of the area median income.

A family renting a unit above the payment standard pays the highest of: 30 percent of the area median income, or 10 percent of the area median income, plus any rent above the payment standard.

MAXIMUM INITIAL RENT BURDEN

A family must not pay more than 40 percent of the family's monthly adjusted income for rent when the family first receives Section 8 tenant based assistance for a particular unit. This rule only applies for initial occupancy of a unit after October 1, 1999. The rule is not applicable if the family stays in their same unit. The rule does apply at initial lease-up each time the family moves to a new unit.

MINIMUM RENTS

DHA has implemented a minimum tenant rent. This amount will be between \$25.00 and \$50.00 as approved by the Board of Commissioners.

Certificate families are subject to the minimum total tenant payment, but may still be entitled to a utility reimbursement if the utility allowance is greater than the total tenant payment.

Exceptions to the minimum rent will be granted on a case by case basis for financial hardship solely determined by DHA. Hardship may include:

1. Family has lost eligibility or is awaiting eligibility for a federal, state, or local assistance program.
2. The family would be evicted as a result of the minimum rent.
3. The family income has decreased because of changed circumstances including loss of employment.
4. Death of a family member who contributes to the income of the family.
5. Other DHA approved circumstances.

DHA will not provide an exemption if the hardship is temporary. The family must demonstrate that the financial hardship is long term and provide documentation to support their claim.

If a family requests an exemption, DHA will suspend the minimum rent beginning the month following receipt of the request.

If the hardship is determined to be temporary, DHA will not impose the minimum rent for 90 days from the request. At the end of 90 days, the minimum rent will be

retroactively reinstated and the family will be required to sign a repayment agreement for back assistance owed.

If it is determined there is no hardship, the minimum rent will be reinstated retroactively to the date of the suspension and the family will be required to sign a repayment agreement for back assistance owed.

If it is determined there is a hardship, the family will be exempt from the minimum rent until the hardship no longer exists. The family is required to report any changes in income, per the Changes in Family Status Section of this Plan.

EXCEPTION RENTS

At DHA's discretion, DHA may submit data to HUD for an area exception rent.

Regular certificate holders may request an exception rent if the family includes a person with disabilities. DHA may approve an exception rent of up to 120 percent of the FMR if the exception rent is needed as a reasonable accommodation.

INCOME DISREGARD

If targeted funding is provided, DHA will disregard for 12 months the:

1. Earned income of family members who were unemployed for a year or more and became employed,
2. Family members income whose employment income increases as a result of participation in a family self-sufficiency program or job training program, or
3. Family member's income if they were receiving TANF benefits in the last six months and their income now has increased.

During the following 12 months, the family's rent may be increased 50 percent of the amount that would have been in effect without the disregard. Instead of the disregard, the family may ask DHA to set up an escrow account. The determination to implement the disregard or escrow account will be at the sole discretion of DHA.

CHANGES IN FAMILY STATUS

The family is required to report in writing to the Section 8 Department all changes in family composition and income within 10 days of the change. Failure to report said changes in 10 calendar days may result in cancellation from the Section 8 Program.

Annual cost of living increases in public assistance benefits: Temporary Aid to Needy Families ("TANF"), Supplemental Security Income ("SSI"), Aid to Needy Disabled ("AND"), Social Security ("SS"), etc. will be performed at the time of the client's annual re-examination. These types of income verifications are good for one year. All other types of income verifications are considered current if they are not more than 60 days old.

At any time, DHA may conduct a re-determination of family income and composition.

At any time, a family may request a re-determination of income or family composition because of any changes since the last determination.

If a client's rent is increased due to unreported income, the increase will be effective retroactive to the date of the increase in income. If the client's rent is decreased due to unreported change in income, the decrease will be effective the first date of the month after completion of the re-determination.

Clients must report decreases in income by the 1st of the month in order to have the decreased rent effective for the first of the following month. If the paperwork to process the reduction is not received by the Section 8 Office by the 15th of the month, there is no guarantee that the decreased rent will be effective the 1st of the following month. If the paperwork is received by the end of the month, the decrease may be effective the first of the following month. In any event, the decrease will be effective the 1st of the month following the date the client submitted all required paperwork, and third party verifications are received.

When the client reports an increase in income, the increase may be processed at the time of the annual re-examination. However, a re-determination will occur if the Total Tenant Payment ("TTP") is less than \$50.00, or an additional family member is added, with or without income, or at DHA's discretion for any other reason.

If there is a change in family unit size resulting from a change in family size or composition, the new family unit size will be used to compute the payment standard or to determine the FMR.

If the family chooses to add an adult member to the household, (spouse, common-law spouse, birth child, legal guardian child, disabled adult child, etc.), the family must provide all required information for the person requesting to be added to the household. This information includes, but is not limited to: police report, social

security number, income information, etc. The family must submit written approval from the Landlord to add a member to the household. If the person meets Section 8 eligibility requirements, but the Landlord does not grant approval to add the person to the household, the family must move to another Section 8 eligible unit, in order to add the person and keep their Section 8 assistance.

If the family is responsible for delays in completing a re-determination, DHA may terminate assistance.

DHA may deny a request for a re-determination predicated on a reduction in client income from welfare after obtaining written verification from the welfare agency that the family's benefits have been reduced because of:

1. Non-compliance with economic self sufficiency program.
2. Failure to comply with work activities requirements.
3. Fraud.

This does not apply if the welfare reduction is the result of the expiration of a lifetime limit on receiving benefits, nor where the family has complied with welfare program requirements but cannot obtain employment. This provision is subject to the Section 8 informal hearing procedure.

Written notice to the family will be provided if such a request is denied.

HEAD OF HOUSEHOLD DESIGNATION

When there are two adults in the household, the family must designate who the head of household shall be. This designation is evidenced by signatures on the Residential Lease, and Rental Certificate or Rental Voucher.

FAMILY ABSENCE FROM THE UNIT

The family may be absent from the unit for brief periods. Absence from the unit is defined as no family member residing in the unit. If the family is going to be absent from the unit and wishes to retain their voucher, they must make a written request for such absence to be approved by Section 8. The family must also submit written approval from the landlord for the absence. The family may not be absent from the unit for a period of more than 180 consecutive days in any circumstances or for any reason. If the family is absent from the unit for more than 180 days, the family will

be terminated from the Program. The family will be eligible to re-apply for the program when the lottery pool is opened.

In the case of family absence, assistance payments are terminated and the family is responsible for the full contract rent. In the case where no assistance has been paid for 180 days, the assistance contract will be terminated.

FAMILY BREAK UP

If an assisted family breaks up, (divorce etc.) the family member with legal custody of any dependents will remain in the Program. The other family member will be removed from the Program. In the event there are no dependents, or both adults have legal custody, the determination of which member will remain in the program will be based on:

1. Disability
2. Senior Citizen Status
3. Other relevant factors

When a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, DHA will be bound by the court's determination of which family members continue to receive assistance in the program.

All cases of family break up must be documented and verified. Acceptable documents include: separation papers, divorce papers, abandonment papers, notarized statement from member leaving that they are doing so and forgoing any right to the Section 8 assistance.

ZERO INCOME OR UNSTABLE INCOME

Clients with unstable income or zero income may be required to report their income status monthly to the Section 8 Department. Clients will be provided with a supply of reports to send to the Section 8 Department on the first of each month. The client must state what their current income is and the source of income. Failure to provide the monthly statement may result in cancellation from the Section 8 Program.

ANNUAL RE-EXAMINATION

A client's annual re-certification date is based on the date that the client first became a participant in the Section 8 Program, and signed their initial Residential Lease. This annual re-examination date does not change during the course of the client's participation in the program.

Families will be sent one application notice asking for preliminary information needed for the re-examination. If the family does not provide the requested information within the specified time frame, the family may be canceled from the Program. Follow up requests may be made of the family to provide additional information needed to complete the re-examination. This follow up information must be provided within the specified time frame, or the family may be canceled from the Program.

If the client brings in the required re-examination paperwork before the effective date of their cancellation for failure to provide said documents, the client may be reinstated to the Program. Decisions to reinstate clients for this reason will be made by the Program Manager.

If a family is responsible for delays in completing the annual re-examination, DHA may terminate assistance.

VERIFICATION OF STATEMENTS AND INCOME

All income and asset information will be verified by DHA. Verification of family composition will be satisfied by submitting birth certificates from the Bureau of Vital Statistics for all children in the family. Legal child custody papers, or other sufficient documents must be submitted once it has been determined that the mother and father do not live together.

When a client reports annual income that appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported to be received (i.e. TANF, Welfare, Unemployment Compensation, Child Support, etc.), the absence of such income will be verified.

Social Security verifications are valid for 12 months. Other verifications are valid for 60 days.

Client files will contain documentation of all verifications.

1. Client must furnish verification and provide authorization for DHA to obtain verification from a third party of all statements regarding income, assets, and allowances.

2. All income, assets, and each applicable deduction or exemption will be verified at the time of admission and at each subsequent re-examination.
3. DHA will require additional information prior to determining eligibility such as, but not limited to:
 - (A) Colorado Bureau of Investigations (“CBI”) reports.

UNDER HOUSED OR OVER HOUSED CLIENTS

DHA will upgrade a family's certificate or voucher to the appropriate bedroom size, at the time of annual re-examination or at the time of a move or rent increase, or at the time of re-determination, if the family is under housed, based upon availability of certificates and vouchers.

Clients who are over housed will be required to relinquish their over housed certificate or voucher and will be issued a certificate or voucher in the appropriate bedroom size at the time of re-examination, move, or rent increase, or at the time of re-determination. Failure on behalf of the family to report an over-housed situation may result in repayment of the excess of subsidized rent and/or cancellation from the Program.

FAMILY MOVES

The family must notify DHA, in writing, of it's intent to move at least 30 days prior to the move. The family's re-certification date does not change when the family moves.

If the family is in it's initial one-year lease, the family must obtain a Mutual Recision of the Lease from the landlord in order to move. Unless there is a documented threat to health or safety, the family may utilize the Mutual Recision Procedure only once in a twelve- month period. The family may move only once during a 12-month period, with exceptions made on a case by case basis.

HOUSING AUTHORITY MAY DENY PERMISSION TO MOVE

At any time, DHA may deny permission to move due to the following:

- 1) If the family does not notify DHA and the owner before the family moves out of the unit or terminates the lease.
- 2) If the family has not reimbursed a PHA for any amounts paid to a landlord/owner under a HAP Contract.
- 3) If the family breaches an agreement with a PHA to pay amounts owed to a PHA.
- 4) If the family does not allow DHA and landlord/owner to inspect/repair the unit at reasonable times and after reasonable notice.
- 5) If the family is responsible for an HQS breach caused by the family.
- 6) If the family commits any serious or repeated violations of the lease, including any drug-related criminal or violent criminal activity. The family must promptly give DHA a copy of any landlord/owner eviction notice.
- 7) If the family owes a PHA money for any reason.
- 8) If DHA does not have sufficient funding for continued assistance.
- 9) Any other HUD allowed reason.

DAMAGE AND VACANCY CLAIM NOTIFICATION

The client must repay DHA for any amount that DHA paid to the landlord/owner for a damage or vacancy claim. The family will be notified in writing, at their last known address, of the amount approved by DHA for the damage/vacancy claim. The notice will state that the client must contact DHA within 10 calendar days if they dispute the claim. DHA will allow the client to request an informal hearing to dispute the landlord's claim. The informal hearing will be held in accordance with the Informal Hearing Procedure.

LIVE-IN-AIDE

A family may request that DHA approve a Live-In-Aide to reside in the unit and provide necessary supportive services. The family must complete the Live-In-Aide form. The Live-In-Aide form must be approved by the Section 8 Program Manager. The landlord of the unit must provide written approval of the Live-In-Aide being a

tenant in the unit. The Live-In-Aide must provide a CBI clearance. A Live-In-Aide does not qualify as a remaining family member. At any time, DHA may refuse to approve a particular person as a Live-In-Aide, or may withdraw such approval if:

- 1) The person commits fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
- 2) The person commits drug-related criminal activity or violent criminal activity.
- 3) The person currently owes rent or other amounts to DHA or PHA in connection with Section 8 or Public Housing assistance.
- 4) The person is subject to a lifetime registration requirement under a state sex offender registration program.

The Live-In-Aide is added to the Section 8 lease, and noted as a Live-In-Aide. The Live-In-Aide is also noted as such on the HAP contract.

CONTINUOUSLY ASSISTED

A family is “continuously assisted” if the family is already receiving assistance under any 1937 Housing Act when the family is admitted to the Certificate, Voucher, Moderate Rehabilitation or Project Based Assistance programs.

REQUEST FOR LEASE APPROVAL LIMITATION

The client is allowed to submit one RFLA at a time. The client may only submit another RFLA, if the previously submitted RFLA is voided.

A RFLA will be denied if it is not completed by both the landlord/owner and the client. It will be denied if it is not in DHA’s legal jurisdiction, is over the FMR (certificate), does not meet rent reasonableness, or for any other DHA determined reason. Reasons for denials will be communicated to the client and the landlord/owner.

The RFLA must be submitted during the term of the certificate/voucher.

RELOCATION OF WITNESSES AND VICTIMS OF CRIME

HUD is directed to provide Section 8 assistance for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing. DHA will accept written referrals from HUD.

All referred applicants must meet Section 8 eligibility criteria before admission to the program.

TERMINATIONS

The client may be terminated from the program for the following reasons which include, but are not limited to:

1. Any violation of the Family Obligations by any family member.
2. Lease violations by any family member.
3. Eviction from the program for serious lease violations.
4. Eviction from public housing by any family member.
5. Illegal use of a controlled substance by any family member.
6. Alcohol abuse by any family member.
7. Termination from a Section 8 assistance program by any family member.
8. Failure to sign consent forms.
9. Actual or threatened abusive or violent behavior toward DHA personnel by any family member.
10. Damages to the unit caused by any family member.
11. If any family member is subject to a lifetime registration requirement under a state sex offender registration program.
12. If any family member has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
13. If any family member is convicted of manufacturing or producing methamphetamine on the premises of any assisted housing site, including common areas and grounds.
14. If a family participating in the Family Self Sufficiency ("FSS") Program fails to comply, without good cause, with the family's FSS Contract of Participation.

15. If the family currently owes rent or other amounts to a PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
16. If the family has not reimbursed any PHA for amounts paid to a landlord/owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
17. If the family fails to fulfill its obligations under the Section 8 Welfare to Work Voucher Program.
18. If the family breaches an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to a landlord/owner by a PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement.)
19. A family member does not establish citizenship or eligible immigration status.
20. Any other HUD allowed reason.

DHA may consider all of the circumstances in each case in deciding to terminate assistance.

DHA may impose, as a condition of continued assistance for other family members, a requirement that the family members who participated in or were culpable for the action or failure will not reside in the unit.

DRUG RELATED AND VIOLENT CRIMINAL ACTIVITIES

Section 8 clients who have been evicted, pursuant to court action, from a unit for drug related or violent criminal activities will be canceled from the Section 8 Program. If a Section 8 client or a member of a client family has engaged in or was convicted of a drug related or violent criminal activity while participating in the program, the client will be canceled. If the landlord is issued a Cease and Desist Order for a family for drug related or violent criminal activities, the family will be canceled. If DHA determines, after initial occupancy, that the client or a member of the client's family, had engaged in or was convicted of drug related or violent criminal activities, and either did not report the incident or conviction, or it was not uncovered at the time of application and admission to the Program, the client will be canceled.

DRUG/ALCOHOL DEPENDENCE

Notwithstanding any other provision of law, no individual shall be considered a person with disabilities for purposes of eligibility for low-income housing solely on the basis of any drug or alcohol dependence.

LANDLORD/OWNER PROVISIONS

PRIVACY RIGHTS

To the extent permitted by law, landlord/owner information regarding participation in Section 8 Programs will be kept confidential.

OUTREACH

DHA solicits landlord/owner participation through advertisements in local newspapers, including local community newspapers, neighborhood associations, city employee newsletters, apartment and housing service agencies, disability organizations and through an Annual Landlord Open House.

Landlord/owner units in non-poverty areas are solicited through community newspaper, neighborhood associations, and apartment and housing service agencies, specifically targeted in the non-poverty areas.

SECURITY DEPOSITS

Landlords/owners set their own security deposit. It must be a reasonable amount, and comparable to deposits for similar units.

FAMILY SUITABILITY FOR TENANCY

DHA has no liability or responsibility to the landlord/owner or other persons for the family's behavior or conduct in tenancy.

The landlord/owner selects the tenant and is responsible for tenant screening. The landlord/owner decides whether the family is suitable for tenancy. DHA's decision whether to admit an applicant to the program is not based on an applicant's suitability for tenancy. DHA has not screened the client's behavior or suitability for tenancy, such screening is the responsibility of the landlord/owner. The landlord/owner should contact DHA for the family's current and past landlord/owner history.

At the landlord's/owner's request, DHA will provide the landlord/owner the following information on potential clients or applicants:

1. Client's current and previous address.
2. Client's current and previous landlord's/owner's name and address.
3. Amount of damage claim(s) filed against the client.
4. Other information in DHA's possession including information about the tenancy history of family members or drug-trafficking by family members.

If DHA was a past landlord of the client or has knowledge of a client's past tenancy, DHA will provide the potential landlord/owner a reference of that client's tenancy. DHA strongly encourages landlords/owners to contact DHA for reference information and to conduct tenant screening, and includes statements to this affect to the landlord/owner on and with the RFLA.

LANDLORD/OWNER CERTIFICATION OF RENTS

By accepting each monthly housing assistance payment from DHA, the landlord/owner certifies that the rent to landlord/owner is not more than the rent charged by the landlord/owner for comparable unassisted units on the premises. The landlord/owner must give DHA information (if requested by DHA) on rents charged by the landlord/owner for other units on the premises or elsewhere.

EXECUTION OF CONTRACTS

DHA is not responsible for any part of the rent prior to the date the unit passes the inspection or prior to the execution of the HAP.

After the unit passes Housing Quality Standards (HQS) inspection, the lease between the landlord/owner and client is signed and dated by both parties. The HAP contract is signed and dated by the landlord/owner. The HAP contract is subsequently executed on behalf of DHA by the Section 8 Program Manager if all required paperwork is properly completed. A copy of the contract is then mailed to the landlord/owner. Prior to the execution of the HAP contract, the landlord/owner must inform DHA and the family of any knowledge of the presence of lead based paint on the surfaces of the residential unit.

The HAP contract is not effective until the unit has passed HQS and the lease is effective. The lease is not effective until it is signed by both the landlord/owner and the client, and the client is eligible to enter into a lease. The effective date of the lease cannot be a date before the date the lease is signed by both the landlord/owner and the client.

The landlord/owner must provide DHA the proposed rent, whether utilities are included in the rent, and the taxpayer ID number on a Form W9. If the landlord/owner submits an incomplete or not factual RFLA, or a Form W-9, DHA will not execute the HAP contract until the form(s) are corrected.

The HAP contract must be executed no later than 60 days from the beginning of the lease term. If a HAP contract has not been executed by Section 8 within the 60 day time limit, the HAP contract will be voided. New leases and contracts must be executed. DHA cannot pay any housing assistance payment to the landlord/owner until the HAP contract has been executed.

SEPARATE AGREEMENTS

The following types of landlord/client separate agreements are acceptable: agreement for parking, furniture and/or appliances, late charges, pets and pet deposits, community rules, covenants, or agreement to pay security deposit in installment payments. Separate agreements must be attached to the Residential Lease as a Lease Addendum. A copy of the Lease Addendum indicating the separate agreement(s) must be provided by the landlord/owner to the Section 8 Office.

The following types of landlord/client separate agreements are not acceptable: agreements for altered security deposit, altered rent amounts, excess utilities. The lease may not require the family to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy. The landlord/owner may not charge the family extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants on the premises.

If it is determined that a landlord/owner and client are participating in a separate agreement that is not acceptable to the Section 8 Program, the client will be canceled from the program and the landlord/owner will be banned from the program. The client may request an informal hearing regarding the cancellation.

EVICTIIONS

Evictions may be conducted only by a landlord/owner and in accordance with state and local laws. Landlords/owners must give written notice to DHA of any such legal actions. Landlords/owners are required to provide the Section 8 Office copies of all court action papers regarding Section 8 clients.

Landlord/owner termination of tenant:

1. Landlords/owners must give the tenant a written notice that specifies the grounds for termination of tenancy. The notice of grounds must be given at or before commencement of the eviction action. The landlord/owner must comply with State laws regarding legal notices to the client.
2. Landlords/owners must give DHA a copy of any landlord/owner eviction notice to the tenant. An eviction notice is a notice to vacate, a complaint, or other initial pleading used under state or local law to commence an eviction action.
3. Landlords/owners may only evict the client from the unit by instituting a court action.

Not grounds for termination of tenancy:

1. DHA's failure to pay the housing assistance payment to the landlord/owner is not a violation of the lease between the tenant and the landlord/owner. During the term of the lease the landlord/owner may not terminate the tenancy of the family for non-payment of DHA housing assistance payment.

Provided the landlord/owner initiates an eviction action in accordance with the lease, and follows all pertinent laws and files all pertinent actions, and supplies the Section 8 office with copies of all pertinent legal documents; the landlord/owner is entitled to HAP payment until the client voluntarily moves or is evicted.

TERMINATIONS

The landlord/owner may terminate the lease for lease violations at any time. The landlord/owner may terminate the lease for any other reason at any time after the 12-month period of the initial lease. The landlord/owner must follow state and local

laws in giving termination notice to the family, and must provide DHA a copy of the termination notice immediately.

LANDLORD/OWNER PAYMENTS

Landlord/owner payments will be placed on hold if the unit fails to meet HQS. The landlord/owner payment will also be put on hold if the landlord/owner has instituted eviction or other court action, the ownership of the unit has changed, the ownership is in question, the tenant gives notice to vacate, the tenant's assistance is in question, or any other reason that DHA determines that the HAP contract has been breached.

If a landlord/owner is in the eviction process, the landlord/owner should notify Section 8 before the third week of each month if the tenant is still in the unit, so that the payment can be released.

LANDLORD/OWNER RENT INCREASES

DHA will notify landlords/owners at the execution of the HAP contract of the contract anniversary date and the landlords/owners options regarding rent increases. The landlord/owner cannot request a rent increase in the first year of the initial lease. After the first year, the landlord/owner can request one rent increase annually. For certificates, rent increases may not exceed the Annual Adjustment Factor ("AAF") published by HUD. All units will be tested for rent reasonableness at the time of the rent increase. HUD Regulations regarding Special Adjustments will be utilized in those instances where the rent increase exceeds AAF.

By making the rent increase request, the landlord/owner acknowledges that during the year before the annual anniversary date, the landlord/owner has complied with all requirements of the HAP contract, including HQS. The landlord/owner must request the rent increase in writing to the client and DHA no later than 60 days prior to the effective date of the rent increase. The rent increase amount cannot be made effective before the first day of the first month commencing on or after the contract anniversary date.

LANDLORD/OWNER MAINTENANCE RESPONSIBILITIES

The landlord/owner is responsible for maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.

DAMAGE CLAIMS

Damage claims are only payable for clients with a lease date effective prior to October 2, 1995.

Leases and contracts executed after October 2, 1995, are not entitled to DHA damage claims. Those landlords/owners should prevent damages to units and collect damages to units caused by Section 8 clients in the same manner they prevent/collect from non-subsidized renters.

If a landlord/owner has knowledge of damages to the unit which may exceed the security deposit held by the landlord/owner, and is seeking reimbursement from DHA for client damages, the landlord/owner must provide documentation of the damages via photographs or video, and other documentation, such as move-in and move-out inspections, receipts for repair, etc.

Charges for normal wear and use, pre-existing conditions, routine turnover and cleaning costs, and scheduled interior and exterior painting will not be allowed. Under no circumstances will DHA cover damages or loss due to pets. Repainting of a unit after one year of tenancy is considered normal maintenance expense and is not allowed. DHA does not reimburse for unpaid client repair bills that are over two months old unless the owner can document collection efforts. The maximum hourly labor rate charge for a landlord/owner completing their own repairs is reviewed annually, and is maintained in Section 8 Inspection Department.

Vandalism, stolen, or missing items that are charged on a damage claim must be supported by a police report made by the landlord/owner.

PRORATION

The following items will be considered for reimbursement based on the following proration table. The receipt for the item in question must be provided in order to document the original purchase date.

Exterior Doors

10 year life expectancy

Bathtub	10 year life expectancy
Refrigerator	7 year life expectancy
Stove	7 year life expectancy
Dishwasher	5 year life expectancy
Asphalt Tile Squares	5 year life expectancy
Floor Covering (Vinyl Sheet)	5 year life expectancy
Carpet	5 year life expectancy
Sink	5 year life expectancy
Screens/Storm Doors	5 year life expectancy
Painting/Wallpaper	1 year life expectancy
Garbage Disposal	1 year life expectancy

The following items will not be prorated; they will be reimbursed for actual cost:

windows
dry wall
interior doors

If the unit is in a multi-unit complex (duplex, triplex, etc.) and outside damages are charged (fence, paint, roof, etc.), specific charges to a specific client must be supported and documented by the landlord/owner, i.e. police report for vandalism, statement from witness to damage, etc. If the charges cannot be determined to be the fault solely of the client, then the cost of the damages will be divided between the number of units in the complex, and only that portion applicable to the one unit will be allowed.

The landlord/owner must provide the client with a list of the claimed damages via registered mail to the client's last known address, per State law. A copy of this notice must be submitted with the damage claim. The landlord/owner must submit evidence that every effort was made to collect charges due from the client before submitting a claim to DHA. This evidence includes copies of: State required security deposit statement mailed to client, list of damages mailed to client and copy of registered mail receipt, letters mailed to client.

Landlord/owners must submit damage claims on the form provided by DHA and all supporting documentation to DHA within 60 days of the lease termination.

Landlords/owners may request an extension to the 60-day limit. The request for extension must be in writing to the Section 8 Department, must be received by the Section 8 Department before the expiration of the initial 60 days, and must document the requested extension time frame. Attached to the extension request must be documentation that the extension is justified, i.e. statement from the contractor that work has been delayed, notices from suppliers that supplies are on back order, etc.

Additional requests for extensions must be submitted and documented per the procedures for the initial extension request.

Supporting documentation for repairs will consist of itemized list of damages, actual cost of required repairs, receipts and/or written verification of all charges, invoice copies, itemized lists of labor costs signed by the person performing the labor, evidence of billing to and non-payment by the client (registered mail return receipt). Expenditures or charges not substantiated with written receipts or otherwise acceptable verification are not allowable claims for damage claim reimbursement. Proposals to complete work will not be accepted as paid invoices.

If the landlord/owner fails to send the deposit accounting to the client within the State law allotted 30 days, and/or fails to provide a copy to DHA, the claim will be denied.

If, after the landlord/owner receives a payment from DHA, amounts are collected from the family by the landlord/owner which would reduce DHA's payment, the landlord/owner must repay DHA for that amount.

DHA will notify the family of the amount DHA intends to pay the landlord/owner on behalf of the family for a damage claim. DHA will give the family 10 days in which to respond to DHA if they dispute the amount of the damage claim. If the family disputes the amount, DHA will allow the client and/or landlord/owner to request an informal hearing. The informal hearing will be held in accordance with the Informal Hearing Procedure.

A landlord/owner may also resolve the dispute in either of the following two manners:

1. An amount mutually agreed upon by both the landlord/owner and the family. This amount must be documented in writing to DHA, and signed and dated by the landlord/owner and the family.
2. A judgment amount ordered by a legal court of law, i.e. small claims court. Judgment amounts must be documented officially by the court.

Upon receipt of either of the above mentioned resolution documents, or upon an opinion by the Informal Hearing Officer in favor of the landlord/owner, the damage claim payment to the landlord/owner will be processed. Regardless of any court judgment amount, the maximum damage claim payment made by DHA to the landlord/owner will be the amount stated in the HAP Contract between DHA and the landlord/owner.

VACANCY CLAIMS

Vacancy claims are only payable for clients leasing the unit prior to October 2, 1995. The Certificate Program HAP contract permits the landlord/owner to bill DHA for vacancy losses when the family vacates the unit in violation of the Residential Lease.

Vacancy Loss may be claimed for the following conditions:

- The client moved out, without cause, during the term of the initial Lease.
- The client moved out without proper notice.
- The landlord/owner evicted the family through court action and has complied with the HAP contract.

When the family vacates under these circumstances, the landlord/owner may:

1. Keep the housing assistance payment received for the month in which the family vacates, and
2. Bill DHA for 80% of the Contract Rent for a vacancy period not to exceed one additional month or the termination of the lease, whichever comes first, assuming the unit is not re-rented.

If the family vacates in accordance with the lease, no vacancy claim can be made by the landlord/owner.

To be eligible for a vacancy loss payment, the landlord/owner must:

1. Immediately notify DHA of the vacancy.
2. Take all feasible actions to fill the vacancy, such as advertising the vacancy, and not reject eligible applicants except for good cause. Documentation of these actions is required.
3. Not be eligible for payments on the vacated unit from some other source.

The landlord/owner must submit a claim, on the form provided by DHA, for vacancy loss, along with supporting documentation. Supporting documentation should include: official notification to DHA of the vacancy, proof that the landlord/owner has taken reasonable action to fill the vacancy.

A move date is mutually agreed upon by both the landlord/owner and the family, either by:

1. The family submits a Notice to Vacate to the landlord/owner and the landlord/owner accepts the Notice to Vacate; or
2. The landlord/owner and the family enter into a Mutual Recision of the Residential Lease.

The HAP contract and the Section 8 Residential Lease terminate on the effective date of the Notice to Vacate or the Mutual Recision. Housing assistance payments will not be made on behalf of the family after this date. If the family does not vacate the unit on the mutually agreed upon date, the family is not subsidized, and the family must make the entire rent payment themselves. If the family does not make the entire rent payment, the landlord/owner must privately pursue rent collection. DHA is not liable for housing assistance payments after the effective date of either of these notices, even if the family does not move from the unit.

If the landlord/owner and the family mutually agree to rescind the Notice to Vacate or the Mutual Recision of the Residential Lease, they must do so in writing, signed and dated by both the landlord/owner and the family, and must submit this document to the Section 8 Office.

This written recision must be given to the Section 8 office prior to the effective date of the Lease termination.

LANDLORD/OWNER COLLECTIONS EFFORTS OF DAMAGE AND VACANCY CLAIMS

The landlord/owner must make every attempt to collect damage and vacancy amounts from the client before submitting a damage or vacancy claim to DHA.

DISQUALIFICATION OF LANDLORD/OWNER FROM PROGRAM

If a landlord/owner violates any obligation under any HAP contract, commits fraud, or makes any false statements to DHA in connection with any federal housing program, or has engaged in drug related criminal activity or violent criminal activity, the landlord/owner may be disqualified from participating in the program, and if already participating, may be terminated indefinitely from the program and may have all current HAP contracts canceled.

In addition, the landlord/owner may be terminated or disqualified from the program if the landlord/owner has a history or practice of failing to terminate tenancy of Section 8 families or other federally assisted families if any member of the household, a guest, or another person under the control of any member of the household:

1. Threatens the right to peaceful enjoyment of the premises by other residents.
2. Threatens the health and safety of other residents, employees of DHA, landlord/owner employees, or others in the housing management.
3. Threatens the health and safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises.
4. Has engaged in drug related criminal activity or violent criminal activity.

PENALTIES FOR LATE HAP PAYMENT

The Housing Authority must pay the housing assistance payment promptly when due the landlord/owner. The HAP contract sets forth the circumstances pursuant to which the Housing Authority will be obligated to pay the landlord/owner a penalty for the late payment of housing assistance payments.

CLIENT/LANDLORD PROVISIONS

LEASING

DHA recommends the use of a Model Lease for both the certificate and voucher programs. In the event a landlord/owner chooses not to use the DHA Model Lease, he must submit his lease to the Section 8 Department for approval. The lease form must be in the standard form used in the locality by the landlord/owner. It must contain terms that are consistent with state and local laws that generally apply to unassisted tenants in the same property. The lease must specify what utilities and appliances are to be supplied by the landlord/owner and what utilities and appliances are to be supplied by the family.

The family must have legal capacity to enter into a lease under state and local laws. If a family cannot enter into a lease during the term of their voucher, they will be terminated from the program.

Once his lease is approved for Section 8 use, the landlord/owner must attach the HUD Lease Addendum to his lease. Any revisions or new leases must be approved by the Section 8 Department prior to execution with a Section 8 client.

Prior to admission, the Model Residential Lease, or the landlord's/owner's Lease and HUD Lease Addendum, shall be signed by the head of household and the landlord/owner. The Residential Lease is to be current at all times and must be compatible with DHA policies, as well as federal, state and local laws.

HAP CONTRACT TERM

The term of the HAP contract begins on the first day of the lease term and ends on the last day of the lease term.

The lease term is effective when: 1) the family is eligible under Section 8 program requirements to enter into a lease, 2) the unit has passed HQS, and 3) the lease has been signed by both the landlord/owner and family.

TERMINATION OF HAP CONTRACTS

All terminations of HAP contracts initiated by DHA action will be set forth in writing to the landlord/owner and family.

Automatic termination of HAP payments results:

1. When a family vacates the unit either in violation of the lease or by mutual agreement with the landlord/owner before termination of the lease/contract, or
 1. The lease is terminated by the landlord/owner or the family.
 2. The landlord/owner will not renew the HAP contract or extend the current lease, or
 4. The sole participant dies, or
 5. There has been no HAP for 180 days.
 6. DHA terminates assistance for the family.

DHA will give written notice of termination in the following situations:

- If a unit has HQS violations and the landlord/owner fails to correct deficiencies;
- The family has paid Contract Rent for six (6) months after a re-examination, which determined the family's share equaled the Contract Rent; or
- Any reason stated under Client Terminations in this document, or
- The landlord/owner violates the terms of their HAP contract, or the family violates the terms of their Certificate of Family Participation, Housing Voucher, or Statement of Family Responsibilities.

NEGOTIATING RENT TO LANDLORD/OWNER

The landlord/owner and the family negotiate the rent to landlord/owner. At the family's request, DHA will assist the family negotiate the rent to landlord/owner. DHA will assist in negotiating reasonable rents with the landlord/owner.

HOUSING QUALITY STANDARDS INSPECTIONS

GENERAL PROVISIONS

Clients must allow landlords/owners and DHA to make inspections of their units at reasonable times and after reasonable notice. If the client does not cooperate with scheduling and attending inspections, they may be canceled from the Program. The client must allow the landlord/owner to make repairs to the unit to meet HQS standards. If the client does not allow the landlord/owner to make required repairs to the unit, the client will be canceled from the Program.

The landlord/owner must maintain the unit in accordance with housing quality standards, and HUD regulations. Failure to do so could result in abated HAP payment or termination of the HAP contract.

The family is responsible for a breach of the HQS that is caused by any of the following:

1. The family fails to pay for any utilities that the landlord/owner is not required to pay for, but which are to be paid by the client;
2. The family fails to provide and maintain any appliances that the landlord/owner is not required to provide, but which are to be provided by the client; or
3. Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).
4. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any DHA approved extension).
5. If the family has caused a breach of the HQS, DHA must take prompt and vigorous action to enforce the family obligations. DHA may terminate assistance for the family in accordance with HUD regulations.

DHA may charge the family a penalty fee for not showing up or allowing access for a scheduled HQS inspection. The penalty fee determined by DHA shall be a reasonable amount.

INITIAL INSPECTIONS

When a client submits a RFLA, an inspection will be performed on the unit to assure HQS. If the unit inspection fails HQS, the landlord/owner and client will be advised of such. The landlord/owner will contact DHA when the unit is ready for re-inspection, a maximum of 30 days after initial inspection. DHA will then conduct a follow-up inspection if the client is still interested in the unit. If the unit fails HQS for a second time, the unit will not be considered suitable for the client and the client must locate another unit. If the client chooses to not lease the unit after the unit has failed the initial inspection, the client must advise the Section 8 Department of such. The client may then be eligible to submit a RFLA for a different unit.

Both the landlord/owner and the client are required to be present at the initial inspection. The DHA Inspector will take the Residential Lease and HAP contract to the inspection. Providing the unit passes HQS inspection, the landlord/owner and client may enter into the Residential Lease on the day the unit passes HQS inspection, if the client is eligible to enter into a lease on that day. If the client or the landlord/owner fails to attend the scheduled inspection, the inspection may not be performed and the leases and contracts will not be signed. An inspection will be re-scheduled once, if either of the parties fails to be present. If either of the parties fails to be present for the re-scheduled inspection, either the client will be canceled from the Program (if the client fails to attend), and/or the HAP contract with the landlord/owner will not be entered into or will be canceled, if the landlord/owner fails to attend, which ever applies.

If the certificate or voucher expires before the landlord/owner makes the required repairs to the unit, and the unit is repaired and meets HQS standards within 30 days after the initial inspection, the certificate or voucher will be honored and a HAP contract will be executed on behalf of the client for that specific unit, effective the date of the passed inspection and the effective date of the lease, if the client still chooses to lease the unit. The lease is effective the date it is signed by both the landlord/owner and the client, and the client is eligible to enter into a lease. If the certificate or voucher expired and the unit does not meet HQS within the allotted 30 days, the client will be canceled from the Program.

COMPLAINT INSPECTIONS

A client or a landlord/owner may request a Complaint Inspection after attempts by the landlord/owner and client to resolve the situation have proven to be unsuccessful. If the unit fails to meet HQS, the landlord/owner will have 30 days to correct the deficiencies. If the failed items are of an emergency nature, the landlord/owner must repair the items within 24 hours. An emergency item includes: no heat in winter, no potable water, no flushing toilet, no hot water, no refrigerator, gas or electricity problems, or any other item that DHA determines is an emergency threatening life, safety, or property. If the unit does not meet HQS within the allotted 30 days or 24 hours, the landlord's/owner's HAP contract will be canceled. The client will be advised that they must move from the unit if they wish to continue their housing assistance, or that if they elect to remain in the failed unit, they will be canceled from the Section 8 program. Rent to the landlord/owner may be abated for the period that the unit does not meet HQS. Abatement may be retroactive to the date the unit initially failed HQS inspection.

ANNUAL INSPECTIONS

Annual inspections will occur for each client unit. The landlord/owner and/or client, or an adult age 18 or over, must be present at the inspection so that the Inspector may gain access to the unit. If the client does not attend the inspection and does not make arrangements for the Inspector to gain access to the unit, the client will be canceled from the Program. Inspection appointments are set by the Inspection Department. Appointments will only be changed or re-scheduled if the client has an emergency situation, i.e. hospitalization, out of town, etc. This emergency situation must be documented. If the unit fails to meet HQS, the landlord will have 30 days to correct the deficiencies. If the failed items are of an emergency nature, the landlord/owner must repair the items within 24 hours. An emergency item includes: no heat in winter, no potable water, no flushing toilet, no hot water, no refrigerator, gas or electricity problems, or any other item that DHA determines is an emergency threatening life, safety, or property. If the unit does not meet HQS within the allotted 30 days or 24 hours, the landlord's/owner's HAP contract will be canceled. The client will be advised that they must move from the unit if they wish to continue their housing assistance, or that if they elect to remain in the failed unit, they will be canceled from the Section 8 program. Rent to the owner may be abated for the period that the unit does not meet HQS. Abatement may be retroactive to the date the unit initially failed HQS inspection

APPLIANCES

The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The equipment may be supplied by either by the landlord/owner of the family. A microwave oven may be substituted for a client-supplied oven and stove or range. A microwave oven may be substituted for a landlord/owner-supplied oven and stove or range if the client agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized clients in the building or premises.

LEAD BASED PAINT

Prior to the execution of the HAP contract, the landlord/owner must inform DHA and the family of any knowledge of the presence of lead-based paint on the surfaces of the residential unit. Each time a new client or a current client moves into a new unit, the client must receive the "Protect Your Family From Lead in Your Home" brochure. The acknowledgment form must be signed by the prospective landlord/owner, DHA and the client. The acknowledgment form will be kept in the client's file.

CLIENT CAUSED HQS FAILURE

1. DHA will not determine if the client has caused damages to the unit. If a landlord/owner claims the client caused/is causing damage, the landlord/owner may:
 - a. Evict the client for lease violations.
 - b. Contact DHA for an HQS inspection, if the damage has resulted or may result in HQS failure.
2. If an HQS breach caused by the family is life threatening, the family must correct the deficiency within 24 hours. For other family-caused deficiencies, the family must correct the deficiency within 30 calendar days.
3. If the family has caused a breach of the HQS, DHA will take prompt and vigorous action to enforce the family obligations. DHA may terminate assistance for the family in accordance with HUD regulations.

EXTENSIONS

Repair time frame extensions may be requested by the landlord/owner. Requests must be in writing and must demonstrate need for extension, i.e., weather delays, construction delays, etc. Extensions will not be given for failures that are a threat to health and safety.

Clients may only request extensions if the extension request is approved in writing by the landlord/owner.

COLLECTION PROCEDURES

CLIENT REPAYMENT AGREEMENTS

DHA utilizes administrative repayment agreements for unreported income and damage claims. If the client fails to follow the terms of the repayment agreement for unreported income, the client will be canceled from the Program and referred to a Collection Agency. If the client fails to follow the terms of the repayment agreement for damage claims, the client will be referred to a Collection Agency. If the client fails to follow the terms of the repayment agreement for fraud, the client will be canceled from the Program and referred to a Collection Agency.

The Housing Technician may execute repayment agreements with clients; all repayment agreements will be approved by the Program Manager. The head of household and spouse (if applicable) are required to sign the repayment agreement.

If the client refuses to enter into a repayment agreement for a damage claim, DHA will refuse to enter into a new lease with the client, thereby canceling them from the Section 8 Program at the time they wish to move.

Any clients who are requesting a move and submitting a RFLA will first be investigated for damage claim and unreported income repayment status. If a repayment agreement was entered into and is not up to date, the client must make the repayment agreement up to date before the RFLA will be accepted by DHA. If the repayment agreement is not brought up to date, the RFLA will not be approved, and the client may also be canceled for failure to abide by the repayment agreement. If the client is current on the repayment agreement, DHA will issue a new certificate/voucher to the family, allowing them to move.

If a client who owes DHA money has not entered into a re-payment agreement, and wishes to move; DHA will not accept a RFLA and will not re-issue their certificate/voucher unless: they pay the amount due in full or enter into a repayment agreement with 30 percent of the amount due paid as a down payment. Based on the individual cases of each client, DHA has the option to take either action listed above.

If a client is current on a repayment agreement and moves, and incurs damages at the second property, the amount of the second damage claim will be added to the previous repayment agreement. The monthly amount due from the client will be

doubled, and the client must sign a new repayment agreement. If the client does not sign a new repayment agreement including the amounts from the second damage claim, the client will not be re-issued a certificate/voucher if they wish to move again. If the client does sign a repayment agreement and wishes to move again, the balance of the repayment agreement must be paid in full before the client will be re-issued a certificate/voucher to move.

If a client has had three damage claims, regardless of entering into repayment agreements, and they wish to move, DHA will not re-issue a certificate/voucher to the family unless their balance is paid in full. DHA reserves the right to continue to enter into repayment agreements on a case by case basis, if the damages are normal and reasonable.

If a client's account has been turned over to a collection agency for collection, due to default on a repayment agreement, the client will not be re-issued a certificate/voucher to move until the balance is paid in full.

DHA reserves the right to not enter in to a repayment agreement at any time, based on willful neglect or abuse by the client, resulting in a damage claim. In this case, DHA will refer the account to collection and will cancel the client from the program.

If the client commits frauds and has a damage claim, procedures regarding client fraud take precedence over procedures for damage claims.

DHA reserves the right to not enter into a repayment agreement at any time for unreported income or willful fraud and may instead cancel the client from the program. DHA may exercise this right under the following circumstances, however DHA's right is not limited to these circumstances: intentional fraud, excessive amounts of unreported income, failure of the client to cooperate with fraud investigation. Under these and similar circumstances, DHA may also demand payment in full, along with canceling the client from the Program, and turning the account over to a collection agency.

DHA reserves the right to charge the market interest rate on all repayment agreements. A down payment of 30 percent of the total repayment agreement may be required from clients entering into repayment agreements.

Repayment agreements will have a monthly payment schedule, based on the financial capabilities of the family and the amount owed. A late payment of 30 days or longer is considered default of the repayment agreement.

A family may request an extension of the monthly due date, provided the extension request is in writing and is received prior to the due date of the monthly payment.

Extensions must include verification supporting the reason for the extension. Verification may include: doctor's statements, court documents. Extensions must be approved by the Program Manager.

DHA reserves the right to turn repayment agreements over to an independent collection agency.

If a client brings their repayment agreement up to date before the effective date of their cancellation for default on a repayment agreement, the client may be reinstated to the Program. Decisions to reinstate clients for this reason will be made by the Program Manager. Clients who make such payments before their effective cancellation date will only be allowed to do so twice within a twelve-month period. If this situation occurs a third time, the client will be canceled from the Program, and their account turned over to the collection agency.

LANDLORDS/OWNERS

If it is determined that a landlord/owner owes DHA for overpayment of housing assistance payments, the landlord/owner will be notified in writing of the overpayment amount. If the landlord/owner does not repay the amount due, the HAP contract may be canceled and the landlord/owner may be banned from the Program. DHA reserves the right to turn landlord/owner debts into a collection agency. If the landlord/owner has current HAP contracts, amounts owed will be collected from amounts due under those contracts.

FRAUD COLLECTIONS

Families owing amounts to DHA, other PHAs, or to HUD directly or indirectly as a consequence of fraud to a federal housing program are not eligible to receive Section 8 assistance. Applicants will be advised of the amount owed in writing and given an opportunity to repay the amount in order to be placed in the lottery pool. If it is discovered that a client owes amounts to DHA, other PHAs, or to HUD directly or indirectly as a consequence of fraud to a federal housing program, they will be advised of the amount, will be given the opportunity to repay the amount, or may be canceled from the Program.

PORTABILITY

DHA has the option of absorbing or administering incoming certificates and vouchers. Determination to absorb or administer will be made on a case by case basis, based on the number of available certificates and vouchers, and other relevant data.

If the client is porting to an area that is in more than one Public Housing Authority ("PHA") jurisdiction, DHA may choose which PHA the client must go to.

Families cannot exercise portability if money is owed to DHA. Families who request a portable voucher or certificate, must pay all monies owed to DHA before the portable voucher or certificate will be processed.

Clients who hold certificates through any of the aforementioned Local Preferences, will be allowed portability in accordance with the Certificate/Voucher Program.

Once a portable client has been absorbed by the DHA, they are eligible to transfer out of the jurisdiction once they have remained in their unit for the term of the lease. Exceptions will be considered for reasonable accommodations based on disability and medical, or other family reasons.

DHA requires applicants who were non-residents of Denver at the time of their admission to the Section 8 program to live in DHA's jurisdiction during the first year of their tenancy.

DHA AS INITIAL PHA

The following information will be provided to the receiving PHA:

- HUD Form 50058
- HUD Form 52665 (9/95)
- Certificate of Family Participation/Housing Voucher

- Other information regarding the client that DHA believes is necessary for the receiving PHA to know including but not limited to: pending legal actions, pending evictions.

Clients are responsible for providing the receiving PHA with copies of birth certificates and social security cards.

DHA AS RECEIVING PHA

The following documents will be required from the initial PHA:

- HUD 50058
- HUD 52655 (9/95)
- Certificate or Voucher
- Other Information regarding the client that DHA believes is necessary for it to know including but not limited to: pending legal actions, pending evictions.

DHA will notify the initial PHA if the family fails to submit a RFLA before the certificate or voucher expires. Under HUD regulations, DHA, as the receiving PHA, has the right to extend any certificate or voucher to the full 120 days. DHA will extend certificates and vouchers only if the circumstances require it and the extension meets the Extension Policy as outlined in this Plan. DHA will advise the initial PHA that a certificate or voucher has been extended and the reason why. DHA will perform a recertification on all clients whether the client is administered or absorbed.

The Agency to which an amount is owed will be responsible for collecting amounts owed for claims. The initial PHA will monitor the effect of those claims on unit transfers.

DHA will bill the initial PHA every 30 days. If the initial PHA does not remit payment to DHA within 90 days, DHA reserves the right to pursue any and all collection activities. These activities may include withholding payment due the initial PHA for amounts due from DHA portability clients.

MODERATE REHABILITATION PROGRAM

Unless stated below, facets of the Moderate Rehabilitation (“Mod Rehab”) Program are the same as listed in other areas of this Administrative Plan.

FAMILY PARTICIPATION

The Section 8 application process is a lottery system. Therefore, DHA does not maintain a waiting list for the Mod Rehab Program.

DHA’s policy is in accordance with HUD regulations which allow the landlord/owner to refer applicants as follows: “Owner selection of Families...the Owner may advertise or solicit applications from Low-Income Families and refer such Families to the PHA to determine eligibility. Since the Owner is responsible for tenant selection, the Owner may refuse any Family provided that the Owner does not unlawfully discriminate.”

If the family claims discrimination, the family may request DHA’s assistance in resolving the matter. DHA will follow HUD regulations regarding claims of discrimination.

This referral by the landlord/owner must be in writing to the Section 8 office. All referred applicants must meet all DHA Housing Eligibility requirements. Once an applicant is referred to the Section 8 Department, a preliminary appointment will be scheduled to complete an application packet. Upon review of the application packet, an interview is then scheduled with the Occupancy Department to verify the information and determine eligibility.

When the Mod Rehab HAP contract is canceled, eligible clients may be issued priority selection for a Section 8 Voucher, depending on circumstances and subject to voucher availability.

Mod Rehab clients who wish to relocate to another Mod Rehab unit may do so at time of the expiration of the one-year lease, if there is another Mod Rehab unit available. A list of available housing through the Mod Rehab Program will be available to clients wishing to relocate. Thirty day written notice of their intent to vacate the unit and not enter into another one-year lease must be submitted to the landlord/owner

and to DHA. Mod Rehab clients may not relocate to another Mod Rehab unit if they owe the landlord/owner under the current lease for damages or any other amounts due under the lease, or if they owe DHA any monies.

Once eligible families are referred to the Section 8 Department via Occupancy, they will be processed as any other Section 8 client.

RENT INCREASES

Rent increases will be monitored on a per contract basis. Such annual increases will not be allowed to exceed the AAF.

UTILITY ALLOWANCES

The utility allowance schedule used for the Mod Rehab Program will be the same as is used for the Section 8 Existing Program. Revised schedules will be implemented at the time of client re-examination.

LAW ENFORCEMENT AND SECURITY PERSONNEL

To increase security, Section 8 assistance may be provided to police officers and other security personnel who are not otherwise eligible for assistance. The landlord/owner must apply to the HUD Field Office for authorization to house over-income police officers and other security personnel.

NEW ADMISSIONS

Forty (40) percent of new admissions to the Mod Rehab Program will be at 30 percent of the area median income. The remaining 60 percent of new admissions may be up to 80 percent of the area median income.

TERMINATIONS

The landlord/owner must follow HUD regulations regarding termination of tenancy.

PROJECT BASED ASSISTANCE PROGRAM

Unless stated below, facets of the Project Based Assistance (“PBA”) Program are the same as listed in other areas of this Administrative Plan.

PROGRAM OBJECTIVES

DHA's plan for its Section 8 PBA Program is designed to accomplish two major objectives:

1. Maintain a supply of assisted rental housing for low-income individuals and families.
2. To enhance community housing stock.

The DHA Housing Management Department will administer the PBA process through execution of the HAP contract. The Housing Management Department is responsible for the following aspects of the program:

- Compliance with 24 CFR 983.3 through 983.12
- Compliance with 24 CFR 983.51 through 983.57
- Solicitation and screening of proposals
- Initial screening
- Development process
- Preliminary feasibility analysis
- Selection of proposals
- Developer notification
- DHA/Developer conference
- Work write-up
- Unit inspections
- Final feasibility analysis
- Agreement to enter into a HAP contract
- Execution of HAP contract
- Compliance with 24 CFR 983.101 through 983.151
- Determination and HUD approval of contract rents in compliance with 24 CFR 983.12.
- Establishment of individual project files

When the units are ready for occupancy, the Section 8 Inspector will inspect the physical improvements and HQS condition of each unit. This will occur after notice of completion has been issued by the developer to the Housing Management Department.

ANNUAL ADJUSTMENT OF RENT TO LANDLORD/OWNER

Rent increases will be monitored on a per unit basis. Such annual increases will not be allowed to exceed the AAF.

At each annual anniversary date of the HAP contract, DHA will adjust the rent to the landlord/owner in accordance with the following requirements:

- 1) The landlord/owner must request a rent increase by written notice to DHA at least 120 days before the HAP contract anniversary date.
- 2) During the year before the contract anniversary, the landlord/owner complied with all requirements of the HAP contract, including compliance with inspections for all contract units.

The new adjusted rent equals the lesser of:

- 1) Current rent to owner multiplied by the applicable Section 8 AAF;
- 2) The reasonable rent as determined by DHA; this may include a comparability study using form HUD-92272 (Estimates of Market Rent by Comparison); or
- 3) The rent requested by the landlord/owner.

Special adjustment of rent to landlord/owner.

This will be allowed in accordance with HUD regulations and only with HUD's approval.

INITIAL OCCUPANCY

The Section 8 application process is conducted through a lottery system previously explained in this Administrative Plan. Therefore, DHA does not maintain a waiting list for the Section 8 PBA Program.

DHA's policy is in accordance with HUD regulations which allows for the landlord/owner to refer applicants as follows: "The Owner may advertise or solicit applications from eligible low-income Families and refer such Families to the PHA to determine eligibility. Since the Owner is responsible for tenant selection, the Owner may refuse any Family provided that the Owner does not unlawfully discriminate."

This referral by the landlord/owner must be in writing to DHA Section 8 office. All referred applicants must meet all DHA Housing Eligibility requirements. Once an applicant is referred to the Section 8 Department, a preliminary appointment will be scheduled to complete an application packet. Upon review of the application packet, an interview is then scheduled with the Occupancy Department to verify the information and determine eligibility.

Once eligible families are referred to the Section 8 Department via Occupancy, they will be processed as any other Section 8 client.

FAMILY PARTICIPATION

When the HAP contract is canceled, due to landlord/owner failure to comply with program rules, or HUD regulations, eligible tenants will be issued priority selection for a Section 8 Voucher and will not be subject to voucher availability unless issuance of a voucher is denied under HUD regulations.

PBA clients who wish to relocate to another PBA unit may do so at time of the expiration of the one-year lease, if there is another PBA unit available. A list of available housing through the PBA Program will be available to clients wishing to relocate. Thirty day written notice of their intent to vacate the unit and not enter into another one-year lease must be submitted to the landlord/owner and to DHA. PBA clients may not relocate to another PBA location if they owe the landlord/owner under the current lease for damages or any other amounts due under the lease, or if they owe DHA any monies.

TENANCY/TERMINATIONS

The landlord/owner will follow HUD regulations regarding Assisted Tenancy and Terminations.

UTILITY ALLOWANCES

The utility allowance schedule used for the PBA Program will be the same as is used for the Section 8 Existing Program. Revised schedules will be implemented at the time of client re-examination.

LAW ENFORCEMENT AND SECURITY PERSONNEL

To increase security, Section 8 assistance may be provided to police officers and other security personnel who are not otherwise eligible for assistance. The landlord/owner must apply to the HUD Field Office for authorization to house over-income police officers and other security personnel.

NEW ADMISSIONS

Forty percent of new admissions to the PBA Program will be at 30 percent of the area median income. The remaining 60 percent of new admissions may be up to 80 percent of the area median income.

SECTION 8 INFORMAL REVIEW AND HEARINGS POLICY

APPLICATIONS STAGE

1. DHA will send prompt written notice to an applicant for Section 8 Programs (Voucher, Mod Rehab and PBA) notifying him/her that he/she has been denied housing and the reason(s) supporting the determination of ineligibility. The notice will also advise the applicant of his/her right to an informal review and how to obtain the informal review.
2. Whenever a written notice of denial or cancellation of the application is given to an applicant, that notice will state all grounds upon which DHA will rely for the denial or cancellation. If the notice of cancellation is based on an alleged outstanding debt to DHA, the notice will state the development and the total amount claimed as due.
3. The applicant must request the informal review, in writing, to DHA and must do so within fourteen (14) calendar days of the date the application was denied or canceled. DHA will then schedule an informal review no later than sixty (60) days from the date DHA received the applicant's written request. If the applicant does not submit a request in accordance with this paragraph, then DHA's disposition of the matter shall become final.
4. Upon the written request of the applicant or DHA, the informal review may be postponed and rescheduled to the next available regularly scheduled date. This request for postponement must be submitted at least twenty-four (24) hours prior to the scheduled hearing. An informal review may be postponed once. If the applicant fails to appear at the second scheduled review, DHA's disposition of the grievance will become final.
5. The review will be conducted by a member of DHA staff, hereafter referred to as the "Review Officer", who did not make the initial decision to cancel or deny the application, or who is a subordinate of that person.

During the review, DHA's and the applicant's witnesses and potential witnesses in the matter may be present, and those persons shall be permitted to observe the entire review. The applicant will be afforded a fair review and provided the basic safeguards of due process, which shall include:

- (A) The opportunity to examine before the review any DHA documents, including records and regulations that are directly relevant to the review. The applicant shall be allowed to copy any such document at the applicant's expense. However, the documents shall not be removed from DHA's premises. Any document not made available, after the request of the applicant has been received, will not be relied on by DHA at the review.
 - (B) The right to be represented by counsel or other person selected as a representative.
 - (C) The right to a private review unless the applicant requests a public hearing.
 - (D) The right to present evidence and arguments to controvert evidence relied on by DHA and to cross-examine all witnesses on whose testimony or information DHA relies.
 - (E) A decision based solely and exclusively upon the facts presented at the review.
 - (F) The Review Officer will consider only those issues presented in the original notice, and will not consider new issues or evidence of which the applicant had no notice.
6. The Review Officer will give a final written decision to the canceled or denied applicant. The decision will be mailed to the applicant at the address that applicant has on file with DHA within ten (10) working days after completion of the review.
7. If the applicant or DHA fails to appear at the scheduled review, the Review Officer may determine that the party has waived his/her right to a review. Both DHA and the applicant shall be notified in writing of the determination by the Review Officer.
8. The review will be conducted informally by the Review Officer. The Review Officer shall require DHA, the applicant, counsel and other

participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Review Officer to maintain order may result in expulsion from the proceedings or in a decision adverse to the interests of the disorderly party, and granting or denial of the relief sought, as appropriate.

9. A Review Officer may re-open a canceled application for the Section 8 Programs if the applicant provides the necessary requested information or resolves any dispute concerning an alleged debt owed to DHA or any other agency, at the time of the review or at a time specified by the Review Officer.

DHA will not provide the applicant an opportunity for an informal review for reasons so stated in the HUD regulations.

DHA will follow HUD regulations regarding informal reviews for the denial of assistance based on ineligible immigration status.

SECTION 8 CLIENTS

DHA will provide families in the Section 8 Program an opportunity for an Informal Hearing to consider decisions with respect to the families individual circumstance, in the following situations:

1. Determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. Determination of the appropriate utility allowance (if any) for tenant-paid utilities from DHA's utility allowance schedule.
3. Determination of the family unit size under the PHA subsidy standards.
4. Determination that a program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA subsidy standards, or DHA's determination to deny the family request for an exception from the standards.
5. Determination to terminate assistance for a participant family because of the family's action or failure to act.

6. Determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under DHA policy and HUD rules.

DHA is not required to provide an opportunity for an Informal Hearing for the following decisions:

1. Discretionary administrative determinations, general policy issues, or class grievances.
2. Determination that an assisted housing unit does not meet program HQS, has not been maintained by the owner to those same standards, in order to meet decent, safe, and sanitary guideline interpretations. This provision includes consideration for changes in family composition.
3. A determination to exercise or not to exercise any right or remedy against the landlord/owner under the provisions of the HAP contract including the termination of the HAP.
4. Determination not to extend or suspend the term of the certificate or voucher.
5. Establishment of DHA schedule of utility allowances for families in the program.
6. Determination not to approve a unit or lease.
7. Determination of the number of bedrooms stipulated on the certificate or voucher.

DHA will send written notice to clients notifying them of the termination of assistance and that they have been canceled from the Program and the reason(s) why. The notice will also advise the client of their right to an informal hearing.

The client must request the informal hearing in writing to the DHA and must do so within 10 days of the date of the cancellation notice. Hearing requests submitted after the ten day time frame will be considered if the client documents that an emergency situation delayed their request, i.e. hospitalization, etc. Extensions to the 10-day time limit will be made by the Program Manager.

DHA will then schedule an informal hearing in a reasonable amount of time from the date of the request by the client. If the client does not request a hearing in accordance with the policy, then DHA's disposition of the cancellation will become final.

Upon the written request of the client or DHA, the hearing may be postponed and re-scheduled to the next available regularly scheduled hearing date. A hearing may be postponed once. If the client fails to appear at the second scheduled hearing, DHA's disposition of the cancellation will become final.

The hearing will be conducted by a person designated by DHA (Hearing Officer) who did not make the initial decision to cancel the client, or is not the subordinate of that person. During the hearing, DHA and the client may have present all witnesses and potential witnesses in the matter, and those persons shall be permitted to observe the entire hearing. The client will be afforded a fair hearing provided the basic safeguards of due process, which shall include:

- (A) The opportunity to examine before the hearing, and at the expense of the client, to copy all documents, records and regulations of DHA which are relevant to the hearing. Any document not so made available after the request of the client will not be relied on by DHA at the hearing.
- (B) The right to be represented by counsel or other person selected as a representative.
- (C) The right to a private hearing unless the client requests a public hearing.
- (D) DHA and the family have the right to present evidence and arguments in support of their positions; to controvert evidence relied on by the other party; and to cross-examine all witnesses on whose testimony or information they rely.
- (E) A decision based solely and exclusively upon the facts presented at the hearing.
- (F) Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- (G) The client must give DHA the opportunity to examine, at DHA offices, before the hearing, any client document that are directly

related to the hearing. DHA must be allowed to copy any such documents. If the client does not make the document available to DHA upon request, the client may not rely on that document in the hearing.

- (H) The Hearing Officer will consider only those issues presented in the original notice, and will not consider new issues or evidence of which the client had no notice.
- (I) The Hearing Officer will, within ten working days, give a final written decision to the client and DHA stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. The decision will be mailed to the client at the address the client has on file with DHA.

The Hearing Officer may render a decision without preceding with the hearing, if the Hearing Officer determines that the issue has been previously decided in a similar proceeding.

If the client or DHA fails to appear at the scheduled hearing, the Hearing Officer may make a determination that the party has waived his right to a hearing. Both DHA and the client shall be notified in writing of the determination by the Hearing Officer.

The hearing will be conducted informally by the Hearing Officer. The Hearing Officer shall require DHA, the client, counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to maintain order may result in exclusion from the proceedings or in a decision adverse to the interest of the disorderly party, and granting or denial of the relief sought, as appropriate.

CONDUCTING INFORMAL HEARINGS

Informal hearings will be conducted by the designated review official for the particular affected function. The hearing may be held at either the request of the client/applicant or at the insistence of DHA. The client may be represented by an attorney acting on their behalf. The attorney will not be compensated by DHA in any event.

The hearing may be conducted in any format which the designated review official deems necessary and prudent depending on the circumstance. This format may specifically excuse individuals other than the client/applicant, his or her attorney, and the landlords/owners representative. DHA staff members will be admitted for testimony purposes, as may be appropriate. In all instances, the meeting will be conducted on a fact finding basis with both sides presenting their point of view, as may be appropriate.

DESIGNATED REVIEW OFFICIAL

The designated review official for participant matters will be the Chief Operating Officer of Section 8 Programs, or his/her designee. The designated review official for applicant matters will be the Occupancy Supervisor.

APPLICABILITY OF HEARING DECISION

DHA is not bound by an informal review or a hearing decision concerning:

1. A matter for which DHA is not required to provide an opportunity for an informal review/hearing.
2. A matter which exceeds the authority of the person conducting the review/hearing under DHA's hearing procedures.
3. A determination which is contrary to HUD regulations, requirements, state, federal or local law.

If DHA should determine it is not bound by such a review/hearing decision, it will promptly notify the family of the decision in writing and of the reasons for the determination. In these cases, DHA may allow the family the opportunity to request another review/hearing.

SECTION 8 FAIR HOUSING POLICY

DHA will carry out and administer the HUD requirements for the Certificate and Voucher Programs:

1. Provide notice of the availability and nature of housing assistance for low-income families under program requirements, adopt suitable means to assure that the notice reaches eligible individuals with disabilities;
2. Encourage participation by landlords/owners, include encouragement of participation by landlords/owners having accessible units;
3. When issuing a certificate or voucher to a family which includes an individual with disabilities, will include a current listing of available accessible units known to DHA and, if necessary, will otherwise assist the family in locating an available accessible dwelling unit;
4. Consider the problem of locating an accessible unit when reviewing requests by eligible individuals with disabilities for extensions and reissuances of certificates or vouchers; and

The DHA 504 Coordinator is located at 1100 W. Colfax Avenue, Denver, Colorado 80204, (303) 534-0821. This information is provided in the Section 8 Orientation Packet, Moving Packet, Re-Examination Packet and Re-Determination Packet.

DHA will not discriminate at any stage of the admissions and the occupancy process because of race, color, national origin, religion, sex, age, familial status, disability, or political affiliation. DHA is bound by the non-discrimination requirements of federal, state, and local law. DHA will abide by the non-discrimination requirements of:

1. Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, national origin in programs receiving Federal Financial assistance.
2. Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination based on race, color, religion, national origin, or sex, familial status, or disability in the sale, rental or advertising of housing.

3. Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination based on handicap in programs receiving Federal Financial assistance.
4. The Age Discrimination Act of 1975 which prohibits discrimination based on age in programs receiving Federal financial assistance.
5. Executive Order 11063 which required the Department of Housing and Urban Development to take whatever actions necessary to prohibit discrimination based on race, color, national origin, religion or sex in housing receiving Federal financial assistance.
6. Title II of the Americans with Disabilities Act.

No preference will be shown any applicant because of political affiliation or acquaintance with any public official at the Federal, state, or local level.

DHA will assist families claiming illegal discrimination from a landlord that prevents them from leasing a suitable housing unit by giving the family information on how to fill out and file a housing discrimination complaint.

EQUAL OPPORTUNITY HOUSING PLAN

Due to widespread knowledge and acceptance of the Section 8 Program and the evident marketing success demonstrated by the current lottery pool, future advertising will be accomplished through those newspapers of widespread general circulation, and minority focused media such as La Voz, the Denver Weekly News, and the El Semanario. DHA may also undertake additional marketing activities in order to market site specific or special purpose housing, as identified in this Plan.

To ensure that the availability of housing is communicated to individuals with disabilities, DHA will contact agencies and organizations that serve individuals with disabilities, such as: Denver Association of Retarded Citizens, Denver Center for Independent Living, the Denver Commission on the Disabled, and other appropriate organizations.

Public notices to families and landlords/owners will be accomplished in accordance with HUD regulations.

OUTREACH TO LANDLORDS/OWNERS

Outreach to landlords/owners in the Certificate or Voucher programs is accomplished by the individual family seeking a rental unit pursuant to the Finders Keepers Provision of the Regulations.

DHA encourages participation by landlords/owners having accessible units.

Section 8 does advertise in the local newspapers soliciting landlords/owners who have units, including accessible units, to determine if the landlord/owner is interested in having Section 8 clients referred to their units. The advertisement states that the units must meet HQS. If the landlord/owner requests, the unit will be listed in the Unit Listing at the Section 8 Office, which is available to all Section 8 clients and included in the Orientation Packet. Accessible units will be noted as accessible, indicating the specific accommodations of the particular unit.

DHA will educate and inform landlords/owners of the benefits of participation in the Section 8 Program, including the benefits of providing accessible housing. This will be accomplished through technical assistance and training offered by DHA

throughout the year. Staff will also be available to provide this type of information to landlords/owners during workshops and seminars conducted by the real estate industry.

OUTREACH TO FAMILIES

Clients for all elements of the program will be taken from the Section 8 lottery pool. The lottery pool is representative of all ethnic groups in the Denver area.

The Section 8 staff, with the assistance of the 504 Coordinator, will keep and maintain current resource lists on available accessible housing. These lists may include the names of Realtors, organizations which will provide assistance for modifications, names of developers and other types of businesses which provide services and assistance needed by individuals with disabilities. Examples of these types of organizations include: the Metro Denver Board of Realtors, the Housing Information Referral Service, and the Colorado Housing Finance Authority (CHFA). This information will be available to applicants in varied forms.

Outreach for the SRO Program includes emergency and transitional shelters, mental health clinics, and drug and alcohol programs.

AFFIRMATIVE MARKETING

No groups of individuals are identified as less likely to apply for Section 8 housing assistance. However, if future program marketing efforts are appropriate, DHA may temporarily revise its marketing efforts in order to produce desired results. Special mail in procedures for frail elderly or severely disabled respondents may be employed. The procedural process may be modified to provide a reasonable accommodation for individuals with disabilities upon request. Each request will be handled on a case by case basis.

NONDISCRIMINATION

If a family believes it's position on or eligibility for the waiting list is adversely affected by discrimination, they will be interviewed by the staff and have program requirements explained to them. If this action does not resolve the problem, the applicant will be advised to place their complaint in writing, an investigation of the allegation will occur, and a written response will be prepared by the Chief Operating Officer, or his/her designee. The family will also be referred to the HUD Office of Fair Housing.

PROGRAM FRAUD AND ABUSE

The Section 8 Department is committed to assure that the proper level of benefits is paid to all program participants, and that housing resources reach only eligible families so that program integrity can be maintained.

CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Fraud and abuse means a single act or pattern of actions:

1. That constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead; and
2. That results in payment of Section 8 program funds in violation of Section 8 program requirements.

Under no circumstances will the Section 8 Department undertake an inquiry or investigation of an assisted family arbitrarily. The Section 8 Department's expectation is that assisted families will comply with HUD requirements and program rules, and the Section 8 Department staff will make every effort (formally and informally) to orient and educate all assisted families in order to avoid unintentional violations. However, the Section 8 Department has a responsibility to HUD, to the Community and to eligible families in need of housing assistance, to monitor program participants for compliance and, when indicators of possible abuse come to the Department's attention, to investigate such claims.

The Department will investigate a program participant in the event of one or more of the following circumstances:

1. Referrals, Complaints, or Tips: The Department will follow up on referrals from other agencies, companies or persons which are received by mail, telephone, or in person, which allege that an assisted family is in non-compliance with, or otherwise violating program rules.
2. Internal File Review: A follow up will be made if the Department discovers (as a function of a re-certification, an interim re-examination, a quality control review, or any other internal review), information or

facts which conflict with previous file data, the Department's knowledge of the family, or is in any way in discrepancy with statements made by the family.

3. Verification or Documentation: A follow up will be made if the Department receives independent verification or documentation which conflicts with representations in the client file (such as public record information or credit bureau reports).

STEPS TAKEN TO PREVENT PROGRAM ABUSE AND FRAUD

The management and occupancy staff will utilize various methods and practices to prevent program abuse, non-compliance and willful violations of program rules by applicants, assisted families, and landlords. The policy objective is to establish confidence and trust in the program by emphasizing education as the primary means to obtain compliance by program participants.

1. Things You Should Know: This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all clients at time of orientation to promote understanding of program rules, and to clarify the Section 8 Departments expectations for cooperation and compliance.
2. Program Orientation Session: Mandatory orientation sessions will be conducted by the Section 8 Department staff for all applicants upon issuance of a certificate or voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign and date the "Orientation Certificate" to confirm that all rules and pertinent regulations were explained to them.
3. Owner/Landlord Orientation Session: Orientation sessions will be conducted with new, existing, and potential Section 8 landlords/owners annually to assure an understanding of landlord/owner, family, and Section 8 obligations, and to prevent improper or illegal practices by landlords/owners.
4. Participant Information: Section 8 Department staff will routinely offer client information as part of every re-examination in order to clarify any confusion pertaining to program rules and requirements.

5. Review and Explanation of Certification and Other Supplemental Forms: Staff will explain all required forms and review the contents of all documents prior to signature.
6. Use of Instructive Signs and Warnings: Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.
7. Landlord/Owner and Client Certification: All family representatives will be required to sign a "Client Certification" form, and all landlords/owners will be required to sign a "Landlord Certification" form, as contained in HUD's Tenant Integrity Program Manual.

STEPS TO DETECT PROGRAM ABUSE AND FRAUD

The Section 8 Department will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families and landlords/owners.

1. Quality Control File Reviews: Prior to initial certification, and at the completion of all subsequent re-certifications, each tenant file will be reviewed. Such reviews shall include, but are not limited to:
 - (A) Changes in reported social security numbers or date of birth.
 - (B) Document authenticity.
 - (C) Review of signatures.
2. Observation: Section 8 staff will maintain a high awareness of circumstances which may indicate program abuse or fraud; such as when a family's life-style exceeds its reported income or resources drastically.
 - (A) Public Record Bulletins may be reviewed by Section 8 Staff.
3. Landlord/Owner Audits: The Section 8 Department may conduct periodic random quality control audits of Section 8 landlords/owners to assure compliance with HAP contracts. Such audits may include, but are not limited to:
 - (A) Proof of ownership of assisted unit.

- (B) Rent collection receipts and records.
 - (C) Maintenance/repair records.
 - (D) An inspection of the unit.
- 4. Data Record Keepers: Inquiries to the Department of Labor and Employment, or other appropriate federal, state, or local agencies, as permitted by law, may be made in order to detect unreported wages or unemployment compensation benefits.
 - 5. Credit Bureau Inquires: Credit Bureau inquiries may be made (with proper authorization by the client) in the following circumstances:
 - (A) When an allegation is received by the Section 8 Department wherein unreported income sources are disclosed.
 - (B) When a client's expenditures drastically exceed his/her reported income, and no plausible explanation is given.

HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The Section 8 Department will encourage program clients and landlords/owners to report suspected abuse to the Section 8 Department. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the client file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow up. The Section 8 Department will not follow up on allegations which are vague or otherwise non-specific.

- 1. File Review: A file review will be conducted to determine:
 - (A) If the subject of the allegation is a program participant.
 - (B) If the allegation contains information not previously known to the Section 8 Department.
 - (C) If the Section 8 Department is the most appropriate authority to do a follow up (more so than police or social services).

- (D) Does the participant's past behavior lend credibility to the allegation?
- (E) Are there any other corroborating complaints?
- 2. Conclusion of the Preliminary Review: If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the facts are independently verifiable, the Section 8 Department may undertake an investigation to determine if the allegation is true or false.

INVESTIGATION OF ALLEGATIONS OF ABUSE AND FRAUD

When the Section 8 Department has determined that an allegation or referral warrants follow-up, the Department will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the Section 8 Department will secure the written authorization from the program participant for the release of information.

- 1. Credit Bureau Inquiries: In cases involving previously unreported income sources, an inquiry may be made to determine if there is financial activity which conflicts with the reported income of the family.
 - (A) Verification of Credit: In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.
- 2. Employers and Ex-Employers: Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.
- 3. Neighbors/Witnesses: Neighbors and/or witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the Section 8 Department's review.
- 4. Other Agencies: Investigators, case workers, or representatives of other benefit agencies may be contacted.
- 5. Public Records: If relevant, the Section 8 Department may review public records kept in any jurisdictional court house. Examples of public records which may be checked are: real estate, marriage, divorce,

uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

6. Head of Household or Family Members: The Section 8 Department may discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the Section 8 Department.

PLACEMENT OF DOCUMENTS, EVIDENCE, AND STATEMENTS OBTAINED

Documents and other evidence obtained during the source of an investigation will be kept in the client file. Cases under review will not be discussed among Section 8 staff not involved in the process, or with individuals outside the Section 8 Department not involved in the process.

CONCLUSION OF INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Chief Operating Officer, or his/her designee. It will then be determined whether a violation has occurred or not, or if the facts are inconclusive.

1. Evaluation of Findings: The findings will be evaluated to determine the following factors:
 - (A) The type of violation. (Procedural, non-compliance, fraud).
 - (B) Whether the violation was intentional or unintentional.
 - (C) What amount of money (if any) is owed to DHA.
 - (D) If the family is eligible for continued participation.

ACTION PROCEDURES FOR DOCUMENTED VIOLATIONS

Once a program violation has been documented, the violation type will determine the procedure taken by the Section 8 Department. Violations will be classified in the following way.

I. Procedural Non-Compliance: This category applies when the participant fails to observe a procedure or requirement of the Program, but does not misrepresent a material fact, and there is not overpayment of housing assistance. Examples of procedural non-compliance issues are:

1. Failure to appear at scheduled appointment.
2. Failure to return requested documents in specified time frame.

Notice To Family: In such cases, a notice will be sent to the family containing the following:

1. A description of the non-compliance, and the procedure, policy, or obligation which was violated.
2. A Notice of Cancellation from the Program.
3. The right to request an informal hearing.

II. Procedural Non-Compliance - Overpaid Housing Assistance: When the client owes money to DHA for failure to report changes in income or assets, the Section 8 Department will issue a notice to the client. The notice will contain the following:

1. A description of the violation and dates.
2. The amount owed to DHA.
3. The right to an informal hearing.
4. A notice of cancellation from the Program.

If the client fails to comply with the notice, and family obligation has been violated, the Section 8 Department will terminate assistance in the manner prescribed by HUD. The amount owed DHA by the client will be referred to a Collection Agency.

When a client complies with the Notice, the responsible staff person will document the client file with the repayment dates, etc. If applicable, the client will enter into a re-payment agreement with DHA. DHA reserves the right to cancel the client for fraud, even if a repayment agreement is entered into.

III. Intentional Misrepresentations: When a participant falsifies, mis-states, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance, the Section 8 Department will establish:

1. That the client had knowledge that his/her actions were wrong, and
2. That the client willfully violated the law.

The client had knowledge that his/her actions were wrong: This can be demonstrated by showing that the tenant was made aware of program requirements and prohibitions. The client's signature on various certifications (briefing certificate, re-examination application form, re-determ application form, etc.) are adequate to establish knowledge of wrongdoing.

The client willfully violated the law: Any of the following circumstances is adequate to demonstrate willful intent:

1. An admission by the client of the misrepresentation.
2. The act was done repeatedly.
3. If a false name or Social Security number was used.
4. If there were admissions to others of the illegal action or omission.
5. The client omitted material facts which were known to them (e.g. employment of self or other household member).
6. The client falsified, forged, or altered documents.

DETERMINATION OF ACTION

Prior to the final determination of the action, the Section 8 Department will consider:

1. The duration of the violation and the number of false statements.
2. The client's ability to understand the rules.
3. The client's willingness to cooperate, and to accept responsibility for his/her actions.

4. The amount of money involved.
5. The client's past history.
6. Whether or not criminal intent has been established.

DISPOSITION OF CASES

In all cases involving efforts to recover monies owed, the Section 8 Department may elect, depending upon its evaluation of the criteria stated above, one or more of the following actions:

1. Criminal Prosecution: If the Section 8 Department has established criminal intent, and the case meets the criteria for prosecution, the Section 8 Department may:
 - (A) Refer the case to the local or State District Attorney, and notify HUD's OIG, and terminate rental assistance.
 - (B) Refer the case to HUD's OIG, and terminate rental assistance.
2. Administrative Remedies: The Section 8 Department may elect to:
 - (A) Terminate assistance and demand payment of restitution in full.
 - (B) Terminate assistance and execute a repayment agreement in accordance with the Section 8 Department Repayment Policy.
 - (C) Terminate assistance and pursue restitution through civil litigation, and/or refer the case to a Collection Agency.
 - (D) Continue assistance at the correct rent and demand repayment of restitution in full.
 - (E) Continue assistance at the correct rent and execute a repayment agreement in accordance with the Section 8 Department's repayment policy.

NOTIFICATION TO CLIENT

The Section 8 Department will notify the client of the action. Such notice will contain:

1. The action being taken.
2. The reason for the action.
3. The date the action will take place.

4. The client's right to an informal hearing, and the form and date by which the request for such hearing must be received.